JOURNAL

OF THE

REGULAR SESSION

OF THE

House of Representatives

OF THE

Commonwealth of Kentucky

Begun and Held in the City of Frankfort, the Sixth Day of January, in the Year of Our Lord 1914, and of the Commonwealth One Hundred and Twenty

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PART II

March 4 to March 17.

PROPERTY OF THE STATE OF KENTUCKY

WEDNESDAY, MARCH 4, 1914.

The House was opened with prayer by the Rev. John J. Gravatt, of the Episcopal Church, of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The following bills were introduced, ordered printed and referred as follows:

By Mr. Gum:

H. B. 617. An Act to amend Section 965 of sub-division 1, of Article 2, of Chapter 35, of the Kentucky Statutes (Carroll's Edition 1909) and the amendment to said act which became a law March 14th, 1912, insofar as said section and amendment applies to the holding of Circuit Courts in the counties of Lee, Estill, Breathitt and Wolfe in the twenty third Judicial District.

To Committee on Circuit Courts.

By Mr. Reed:

H. B. 618. An Act to make unlawful any conspiracy by members of a Board of Council of fourth class cities or other persons to break a quorum or to obstruct legislative or other business of a Board of Council of such cities, and to provide a punishment therefor.

To Committee on Cities of the fourth class.

By Mr. J. T. Webb:

H. B. 619. An Act to amend Section Ten, Chapter 132, Acts of Kentucky Legislature of 1912, so as to limit the amount of assessment to five dollars per acre for land for purpose of drainage and not to exceed fifty cents to the acre any one year.

To Committee on Revenue and Taxation.

Mr. Hamilton moved that this House now resolve itself into the committee of the whole on the State of the Commonwealth for the purpose of further considering H. B. 45 as unfinished business of yesterday.

Said motion was agreed to.

Thereupon the House resolved itself into the committee of the whole on the State of the Commonwealth for the purpose of further considering H. B. 45 as unfinished business of yesterday.

Mr. Pumphrey, designated by the Speaker of the House as chairman of the committee of the whole, resumed the chair.

After a time, Mr. Hamilton moved that the committee of the whole rise, report progress and recess until 2:00 o'clock p. m. today.

Said motion was agreed to.

The Speaker of the House resumed the Chair.

Mr. Pumphrey, chairman of the committee of the whole House, reported that the committee of the whole had under

consideration H. B. 45 and asked further time in which to consider said bill.

Said request was granted.

Mr. Pumphrey moved that this House do now recess until 2:00 o'clock p. m., at wihch time the committee of the whole take up said bill number 45 for further consideration.

Said motion was agreed to.

And the House recessed until 2:00 o'clock p. m.

AFTERNOON SESSION.

At two o'clock the House reconvened.

Mr. Lay asked the unanimous consent of the House to grant him a leave of absence on account of sickness in his family.

Said request was granted.

Mr. Lay asked the unanimous consent of the House to introduce at this time two bills.

Said request was granted.

By Mr. Lay:

H. B. 620. An Act to amend Sections 2276, Article 5, Chapter 74 of Kentucky Statutes, Carroll's Edition.

To Committee on Judiciary.

By Same:

H. B. 621. An Act to amend Section 2261, Article 3, Chapter 74, Kentucky Statutes, Carroll's Edition.

To Committee on Judiciary.

Mr. Hamilton moved that when this House adjourn it be to meet tonight at 7:30 o'clock for the sole purpose of calling the committees for reports of bills.

Said motion was agreed to.

Mr. Hamilton moved that this House now resolve itself into the committee of the whole on the State of the Commonwealth for the purpose of further considering H. B. 45.

Said motion was agreed to.

Thereupon the House resolved itself into the Committee of the whole House on the State of the Commonwealth for the purpose of considering H. B. 45.

The Speaker vacated the chair.

Mr. Pumphrey, designated by the Speaker as chairman of the committee of the whole, resumed the chair.

After a time, Mr. Douglas moved that the committee of the whole do now rise and report.

Said motion was agreed to.

Thereupon the Speaker of the House resumed the Chair.

Mr. Pumphrey, chairman of the committee of the whole House, reported progress and asked further time in which to consider H. B. 45, and moved that the committee of the

whole reconvene for said purpose tomorrow morning at 10:00 o'clock.

Said motion was agreed to.

The hour of adjournment having arrived the House adjourned until 7:30 p. m.

EVENING SESSION.

At 7:30 p. m. the House reconvened for the purpose of calling committees for reports.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. McNally, of the Committee on Juvenile Courts and Children's Homes:

H. B. 511. An Act relating to children who are now or who may hereafter become dependent, neglected or delinquent, or whose custody is the subject of controversy in any suit in any county within the Commonwealth, containing a city of the first class, fixing and defining the powers of the Circuit Court of such counties within the Commonwealth with reference to the care, treatment, protection and custody of such children; to provide the means by which such powers may be exercised and to provide for the appointment of a master before whom all matters may be heard in the first instance.

Without expression of opinion.

By Same:

H. B. 512. An Act relating to suits for divorce or ali-

mony in all counties of this Commonwealth containing cities of the first class; providing for the hearing of all testimony in such suits orally by a Master in Chancery and to regulate the procedure in such suits.

Without expression of opinion.

By Same:

H. B. 602. An Act to provide for State Ownership and Control of the Kentucky Children's Home Society.

Without expression of opinion.

By Mr. O'Brien, of the Committee on Municipalities:

H. B. 362. An Act regulating the amount of capital stock of corporations publishing, printing or distributing newspapers or news periodicals in cities of the first class.

By Mr. Ray, of the Committee on State Prisons and Houses of Reform:

S. B. 294. An Act concerning the trial and punishment of persons indicted for a felony or misdemeanor.

By Same:

S. B. 295. An Act concerning the parole by the State Board of Penitentiary Commissioners of convicts confined in the penitentiary, houses of reform and State reformatory and to provide for the employment, care and supervision of such convicts while on parole.

By Same:

H. B. 550. An Act for the benefit of the Guards at the Frankfort Reformatory and the Eddyville Branch Penitentiary.

By Mr. Tieman, of the Committee on Cities of the Fourth Class:

H. B. 577. An Act to amend the Charter of Municipal Corporations of Fourth Class.

By Mr. Walton, of the Commttiee on Judiciary:

H. B. 457. An Act to amend Sections 2514 and 2515 of Carroll's 1909 Edition of the Kentucky Statutes.

By Same:

H. B. 600. An Act to amend Section six of Kentucky Statutes and relating to deaths resulting from negligence.

By Same:

S. B. 141. An Act fixing the jurisdiction of County Judges and Justices of the Peace in Criminal Cases.

By Same:

H. B. 562. An Act providing a stenographer for the various county courts of the State.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

A message was received from the Senate, announcing that they had passed bills originating in that body, of the following titles, viz.:

S. B. 281. An Act to regulate express companies and place their supervision under the Railroad Commission, and to give the Railroad Commission power to regulate the rates that may be charged by them.

To the Committee on Public Utilities.

S. B. 13. An Act to provide for the representation of the State of Kentucky at the Panama Pacific International Exposition at San Francisco, Cal., celebrating the opening and commercial use of the Panama Canal, and making an appropriation therefor.

To Committee on Appropriations.

S. B. 63. An Act to repeal and re-enact an Act entitled "An Act granting pensions to indigent and disabled Confederate Soldiers," which Act became a law March 1, 1912.

To Committee on Confederate Homes.

S. B. 75. An Act to amend and revise Section 66 and sub-section 2 of Section 68 of Article 3, Chapter 5, of Carroll's Kentucky Statutes, 1909, relating to animals—assessment of dogs.

To Committee on Agriculture.

S. B. 258. An Act to create the sixteenth, nineteenth, twenty-eighth and twenty-ninth Senatorial Districts.

To the Committee on Redistricting—Legislative.

S. B. 303. An Act to amend an Act entitled "An Act to incorporate the Kentucky Institution for the Education of the Blind," and to provide for the regulation thereof.

To the Committee on Kentucky Statutes.

A message was received from the Senate announcing that they had passed a bill originating in the House of the following title:

H. B. 134. An Act to punish the making or use of false statements to obtain property or credit, and making certain offenders personally liable.

A message was received from the Senate announcing that they had adopted a resolution of the following title:

S. Res. 26. Resolution of respect to John W. Berkshire, of Boone County, Kentucky.

Mr. Kelly moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 5, 1914.

The House was opened with prayer by the Rev. Benj. Andres, of the Southern Presbyterian Church, of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The following bills were introduced, ordered printed and referred as follows:

By Mr. Price:

H. B. 622. An Act to provide for the election of Judicial Officers by separate ballot.

To Committee on Judiciary.

By Mr. Davis:

H. B. 623. An Act to amend Section 702 of the Kentucky Statutes, so as to further regulate the assessment of co-operative fire insurance companies.

To Committee on Insurance, Fire and Marine.

By Mr. Davis:

H. B. 624. An Act to amend Section 3512 of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Biliter:

H. B. 625. An Act to amend Section 107 of Chapter 8 of Kentucky Statutes, Carroll's Edition 1909, relative to attorneys' liens for fees, notice of and rights of parties to compromise.

To Committee on Kentucky Statutes.

By Mr. Greene:

H. B. 626. An Act to regulate the service of passenger trains operating in Kentucky.

To Committee on Judiciary.

Mr. Judy offered a joint resolution of the following title, viz.:

H. Res. 30. Resolution for the benefit of J. W. Hedden, formerly Superintendent of Public Printing.

Ordered that said resolution be referred to the Committee on Appropriations.

Mr. Greene offered the following resolution:

Whereas, the General Assembly of 1912 made certain appropriations for the benefit of the Kentucky Geological Survey, for the purpose of carrying out the same, and making a report thereon, and,

Whereas, said report has not up to this time been made, the necessity of which is very urgent; therefore,

Be it resolved by the House of Representatives of Kentucky:

That the Speaker of the House appoint a committee of three to call upon the Chief Officer of said Survey, and ascertain why said report has not been made and printed.

Said resolution was adopted.

Mr. Billiter offered a joint resolution of the following title:

H. Res. 31. Resolution authorizing a survey of a portion of the State line separating this State from the states of Viriginia and West Virginia.

Ordered that said resolution be referred to the Committee on Appropriations.

The House took up for consideration from the calendar, bills of the following titles, viz.:

H. B. 572. An Act to regulate the sale and shipment of onion sets and seed potatoes in Kentucky.

H. B. 217. An Act for taking the sense of the people of this State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution and the amendment thereto.

H. B. 538. An Act to amend the Constitution of the Commonwealth of Kentucky by striking out Sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40 and 41 thereof, and in lieu thereof said sections creating the legislative department of the government, so that it will be composed of twenty-five members.

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

H. B. 429. An Act to create the Eleventh Judicial District so as to include Adair County in said district.

H. B. 517. An Act amending Subsection 8 of Section 606 of Civil Code of Practice.

H. B. 531. An Act to amend Section 619 of the Civil Code of Practice, an Act in reference to Court Costs.

H. B. 71. An Act to regulate the sale of stocks, bonds and other securities and of real estate not located in Kentucky, and to prevent fraud in such sales.

H. B. 430. An Act to regulate the descent and distribution of property of deceased adopted children.

H. B. 448. An Act to render voidable hasty settlements of claims for personal injuries.

H. B. 449. An Act defining and prescribing a punishment for the offense of Barratry.

H. B. 503. An Act to prohibit persons from engaging in the business of aiding and assisting persons to secure marriage license, and aiding and assisting persons in securing officers to perform marriage ceremonies.

H. B. 520. An Act to amend Section 2119, Kentucky Statutes, 1909 Edition, page 940.

H. B. 548. An Act to amend Section 815, Kentucky Statutes.

H. B. 552. An Act appropriating money for the proper care of the State Capitol, Capitol grounds and Governor's Mansion.

H. B. 561. An Act providing a stenographer for the grand jury of the various counties of the State of Kentucky.

H. B. 542. An Act to regulate the liability of common carriers in the carrying of live stock in this State.

H. B. 583. An Act providing transportation for county road engineer and committees of the Fiscal Court and making automobile trucks a part of road equipment.

H. B. 545. An Act to amend Subsection 27 of Section 305 of the Kentucky Statutes.

With an amendment thereto by way of substitute therefor.

H. B. 400. An Act to amend Section 1, Subdivision 4, Article 12, Chapter 22, of Act of the General Assembly of 1906, being "An Act relating to Revenue and Taxation" which same is now Section 4224 of the Kentucky Statutes.

H. B. 579. An Act to amend Sections 2434, 2435 and 2436, Kentucky Statutes, Carroll's Edition 1909.

H. B. 193. An Act relating to stub books used in regular and primary elections.

H. B. 410. An Act providing for the expression of the popular will for party nominations of president and vice-president of the United States, providing for the nomination of the presidential electors, election of delegates and alternates to the National Conventions, and the election of National Committeemen therefor, and amending Section 3 of Chapter 7 of an Act of the General Assembly of 1912, entitled, "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at general elections, and providing penalties for the violation thereof, in so far as it relates to the holding of primary elections in the years when presidents and vice-presidents are elected.

H. B. 511. An Act relating to children who are now or who may hereafter become dependent, neglected or delinquent, or whose custody is the subject of controversy in any suit in any county within the Commonwealth, containing a city of the first class, fixing and defining the powers of the circuit court of such counties within the Commonwealth with reference to the care, treatment, protection and custody of such children; to provide the means by which such powers may be exercised and to provide for the appointment of a master before whom all matters may be heard in the first instance.

H. B. 512. An Act relating to suits for divorce or alimony in all counties of this Commonwealth containing cities of the first class; provinding for the hearing of all testimony in such suits orally by a Master in Chancery and to regulate the procedure in such suits.

H. B. 602. An Act to provide for State ownership and control of the Kentucky Children's Home Society.

H. B. 362. An Act regulating the amount of capital stock of corporations publishing, printing or distributing newspapers or news periodicals in cities of the first class.

S. B. 294. An Act concerning the trial and punishment of persons indicted for a felony or misdemeanor.

S. B. 295. An Act concerning the parole by the State Board of Penitentiary Commissioners of convicts confined in the Penitentiary, Houses of Reform and State Reformatory and to provide for the employment, care and supervision of such convicts while on parole.

H. B. 550. An Act for the benefit of the guards at the Frankfort Reformatory and the Eddyville Branch Penitentiary.

H. B. 577. An Act to amend the charter of municipal corporations of fourth class.

H. B. 457. An Act to amend Section 2514 and 2515 of Carroll's 1909 Edition of the Kentucky Statutes.

H. B. 600. An Act to amend Section six of Kentucky Statutes and relating to deaths resulting from negligence.

S. B. 141. An Act fixing the jurisdiction of County Judges and Justices of the Peace in Criminal Cases.

H. B. 562. An Act providing a stenographer for the various county courts of the State.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

Mr. Reed moved that the rules be suspended, that H. B. 354 be recommitteed to the Committee on Judiciary.

Said motion was agreed to.

Mr. Hamilton moved that the House now resolve itself into the Committee of the whole on the State of the Commonwealth for the purpose of taking up for consideration H. B. 45.

Said motion was agreed to.

The Speaker of the House designated Mr. Pumphrey as Chairman of the Committee of the Whole.

The Speaker of the House vacated the chair.

Thereupon Mr. Pumphrey occupied the chair as Chairman of the Committee of the Whole.

And the House then resolved itself into the Committee

of the Whole on the State of the Commonwealth for the purpose of further considering H. B. 45.

After a time the Committee of the Whole, having had under consideration H. B. 45, Mr. Hamilton moved that said Committee now rise and report.

Said motion was agreed to.

Thereupon the Speaker of the House resumed the chair.

Mr. Pumphrey, Chairman of the Committee of the Whole, reported that H. B. 45 had been considered by the Committee of the Whole and moved that said committee be now discharged.

Said motion was agreed to.

And said committee was discharged.

Mr. Hamilton, of the Committee on Revenue and Taxation moved that the House take up for consideration and place on its passage, a bill entitled:

H. B. 45. An Act to revise a part of the revenue laws of this State and to repeal certain sections of Carroll's Statutes of Kentucky, Edition of 1909, and subsequent acts amendatory thereof, all relating to Revenue and Taxation.

Said motion was agreed to.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

PROPERTY SUBJECT TO TAXATION AND GENERAL PROVISIONS.

§ 1. State Tax Levy—An annual tax of 50 cents upon each one hundred dollars of value of all property directed to be assessed for taxation, as hereinafter provided, shall be paid by the owner, person or corporation assessed. The aggregate amount of tax realized by all assessments shall be for the following purposes: 21 1-2 cents for the ordinary expenses of the Government, 26 cents for the support of the common schools, 2 cents for the use of the Sinking Fund, 1-2 of one cent for the Agricultural and Mechanical College, as now provided by law by an Act entitled: "An Act for the benefit of the Agricultural and Mechanical College, now State University, approved April 29, 1880, including the necessary traveling expenses of all pupils of the State entitled to free tuition in such college and who continue students for a period of ten months, unless unavoidably prevented." For the year 1915 the aggregate amount of taxes realized by all assessments shall be for the following purposes and applied as follows: 17 1-2 cents—Support of Ordinary Expenses of the Government; 20 4-5 cents—Support of Common Schools; 1 3-5 cents—Sinking Fund; 2-5 cents—Agricultural and Mechanical College. For the year 1916 the aggregate amount of taxes realized by all assessments shall be for the following purposes and applied as follows: 12 9-10 cents—Support of Ordinary Expenses of the Government; 15 3-5 cents—Support of Common Schools; 1 1-5 cents—Sinking Fund; 3-10 cents—Agricultural and Mechanical College.

§ 2. Property Subject to Taxation—All property within the jurisdiction of this State, not exempt by law, shall be subject to taxation.

§ 3. Lien on Property for Taxes Due State, County, Town—The Commonwealth, and each county, incorporated city, town, or taxing district, shall have a lien on the property assessed for the taxes due them respectively, which shall

not be defeated by gift, devise, sale, alienation, or any means whatever, unless the gift, devise, sale or alienation shall have been made for more than five years before the institution of proceedings to enforce the lien, and nothing shall be exempt from levy and sale for taxes and cost incident to the sale. When any lands, or improvements, or personal property shall not be assessed in any one year, it may be assessed retrospectively in the manner provided for by law, for that year, at any time not later than five years thereafter. A tax levied and assessed upon personal property shall also create a lien on any real estate owned at the time of assessment by the person to whom the personal property was assessed.

§ 4. Definitions—For purposes of taxation, the following definitions shall rule:

First: Property—The term "property" includes: all real estate and all personal property.

Second: Real Estate—The term "real estate" includes: (1) all land; (2) all improvements upon land; (3) all mines, petroleum and gas wells, minerals, and quarries in or under the land; (4) all standing trees; (5) all rights appertaining to the land, to the improvements, to mines, petroleum and gas wells, minerals, quarries, and to standing trees.

Third: Improvements—The term "improvements" includes: all buildings, structures, walls, fences, ditches, drains, shafts, tunnels, borings, and any other things erected upon or affixed to the land.

Fourth: Personal Property—The term "personal property" includes everything capable of private ownership not included in real estate, whether tangible or intangible, and includes all franchises of every class and description of corporations.

Fifth: Situs of Land—Land shall be assessed in the county in which it lies, without reference to conflicting titles.

Sixth: Situs of Tangible Personal Property—The taxable situs of tangible personal property shall, except as

otherwise specifically provided by law, be determined as follows:

a. Goods, Wares and Merchandise—Goods, wares, merchandise, capital employed in business, and stock in trade, except ships or vessels, and stock employed in the business of manufacturing or of the mechanic arts in counties, citits or towns in this State, other than those in which the owners reside, whether such owners reside within or without the State, shall be taxed in the counties, cities, or other taxing districts in which the owners hire or occupy manufactories, stores, hotels, or offices, shops, or wharves. Vessels plying on the high seas, or in the waters of the United States, whose owners reside in this State shall have their situs at the place of residence of their owners.

b. Machinery—Machinery employed in any branch of manufactures, and all personal property within the State leased for profit shall be assessed where located on the day set by law for the assessment.

c. Horses, Cattle, Etc.—Horses, mules, neat cattle, sheep, and swine, kept throughout the year in counties, cities, or towns other than those in which the owner resides, whether such owner resides within or without the State shall be assessed to the owner in the place where they are kept.

d. Other Tangible Personal Property—All other tangible personal property shall be assessed where the owner, or his agent, or representative, in whose custody the property may be, resides within this State.

Seventh: Situs of Intangible Personal Property—The taxable situs of intangible personal property when such property consists of privileges, contracts, or other rights, or other intangible personal property, used, exercised, or enjoyed in connection with or appertaining to any real estate or to any tangible personal property, shall, except as otherwise specifically provided by law, be the same as the situs of the real estate or tangible personal property in connection with which the intangible personal property is used, exer-

cised, or enjoyed, or to which it appertains. The taxable situs of all other intangible personal property shall be the place of residence of the owner, except when the owner resides without the State, in which case it shall be the place of residence of the fiduciary, agent, or other custodian of the property within this State.

Eighth: Property Within the Jurisdiction of State—Property within the jurisdiction of the State includes all real estate within the State, all tangible personal property within the State, and all intangible property rights, or privileges, exercised in this State, or created by the laws of this State.

Ninth: Value—The term "value" means the fair cash value of the taxable property, and shall be estimated at the price which the property would bring at a fair voluntary sale.

§ 5. Respective Duties of Holders of Equitable and Legal Title—Fiduciaries—The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property on the day when the assessment is made, shall be liable for taxes thereon; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment.

Provided, however, That an administrator, executor, trustee, committee, curator, or agent residing in the State shall not be liable for taxes on intangible personal property, where the real or beneficial owner of such intangible personal property, held by them or any of them, resides outside of the State; but this exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the non-resident legatee or beneficiary is set apart to him or before said legatee is entitled to be paid his share.

§ 6. Property Exempt From Taxation—The following

property is exempt from taxation: Public property used for public purposes; property exempt under the laws of the United States; places actually used for religious worship, with the grounds attached thereto, and used and appurtenant to the house of worship, not exceeding one-half acre in the cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit; institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country appurtenant thereto; household goods or other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made and in the hands of the producer.

§ 7. Shares in Certain Corporations Not To Be Listed —The individual stockholders of any corporations which reports and pays taxes upon all of its property which is in this State, including its corporate and special franchises, whether that property be assessed locally by the State Tax Commission, shall not be required to list their shares of stock in such corporation. The provisions of this section shall extend to individual shareholders in banks and trust companies whose shares are to be listed by and the taxes thereon paid by the banks and trust companies or by the officers thereof, on behalf of the shareholders.

Article II.

The State Tax Commission.

Subdivision I.

Membership and Organization of the State Tax Commission.

§ 1. State Tax Commission, Membership—There shall be a State Tax Commission composed of three commissioners, electors of the State, freeholders, not less than thirty years of age, not more than two of whom at any one time shall be of the same political party.

§ 2. Appointment and Term—The three commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate. The three persons first to compose the Commission shall be appointed on or before the fourth day of March, 1914, or as soon after passage of this Act as may be feasible, and, if possible, prior to the final adjournment of the Legislature at this session. Of the three persons first appointed, one shall be appointed and designated to serve for a term ending on the fourth day of March, 1916, one for a term ending on the first day of March, 1917, and one for a term ending on the first day of March, 1918. Each of said terms shall begin upon the qualification of the person appointed therefor. Upon the expiration of the terms of the three commissioners first to be appointed, as aforesaid, each succeeding commissioner shall be appointed and hold his office for the term of four years, and each commissioner shall hold his office until his successor shall have been appointed and has qualified. The commissioners shall be eligible for reappointment. They shall, during their term of office reside at the State Capital. No person having been appointed and having served as a member of the Tax Commission shall be eligible for any elective office in this State for a period of two years after he ceased to serve as commissioner.

§ 3. Removal—The Governor may at any time remove

any commissioner for inefficiency, neglect of duty, malfeasance in office, political activities, or continued ill-health incapacitating him from the performance of his duties, but before removal, the commissioner shall be furnished with a copy of the charges against him and have an opportunity to be heard in defense.

§ 4. Entire Time to Service—Each commissioner and each employe of the State Tax Commission shall devote his entire time to the duties of his office, and shall not hold any other position of trust or profit, or engage in any other occupation or business, or serve on or under any committee of any political party during his incumbency of the office.

Corrupt Practices—Any commissioner or employee of the Commission who shall engage in political activity, or who shall in any manner contribute, or cause to be contributed, money or any other thing of value to any person for election purposes, or who shall influence or attempt to influence any person politically, or any legislation through the instrumentality of his office or position, except as otherwise in this Act specifically provided, shall be removed from office or position by the Governor if the guilty party be a member of the Commission, or by the Commission if an employee. Any person wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than fifty dollars, nor more than one thousand dollars for each offense.

§ 5. Salary—Each commissioner shall receive a salary of five thousand dollars per annum, payable monthly, as other State salaries are paid.

§ 6. Officers and Employees—The commissioners shall elect one of their number as chairman, and the State Tax Commission is authorized to employ a secretary, appraisers, experts, clerks, bookkeepers, stenographers and other assistants and to fix their compensation. The salary of the secretary shall not exceed two thousand dollars per annum and the aggregate expense for the central office force of clerks,

bookkeepers and stenographers shall not exceed three thousand dollars per annum. The commissioners, secretary, appraisers, experts, clerks, bookkeepers, stenographers, and other assistants that may be employed, shall be entitled to receive from the State their actual and necessary expenses when traveling on business of the Commission. Such expenses shall be submitted in an itemized claim sworn to by the person who incurred the expense, and the claim must be approved by the Commission.

The aggregate expenses for appraisers and experts and for traveling expenses shall not exceed five thousand dollars per annum, provided, however, that in any year in which there is to be made a quadrennial appraisement of real estate as hereinafter in this Act provided, the Commission may, with the consent of the Governor, anticipate the allowance for one or more succeeding years, and may use unexpended balances of previous years, but in no case shall the expenditures for this purpose exceed an average of five thousand dollars per annum for any four-year period.

§ 7. Quorum—A majority of the Commission shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the Commission so long as a majority remains. Any investigation, inquiry, or hearing, which the Commission is authorized to hold or undertake, may be held by or before any one member of the Commission, and any decision or order made pursuant thereto shall, if approved and confirmed by the Commission, as shown on the records of the Commission, be deemed the decision or order of the Commission.

§ 8. Seal—The State Tax Commission shall have an official seal with the words "The Tax Commission of Kentucky" and such other design as the commissioners may prescribe engraved thereon, by which it shall authenticate its orders and proceedings.

§ 9. Office Rooms, Etc.—The custodian of public build-

ings shall assign to the State Tax Commission suitable quarters in the Capitol Building and shall provide the necessary office furniture. The commission may purchase the necessary supplies, books, periodicals, and maps. All necessary expenses shall be audited and paid as other expenses are audited and paid.

§ 10. Sessions—The Commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public. The Commission shall keep a record of its proceedings, which shall be a public record. The Commission may hold sessions at any place within the State.

SUBDIVISION II.

Powers and Duties of the Commission.

§ 1. General Duties—The State Tax Commission shall have general supervision of the entire system of taxation throughout the State, both State and local, including the license taxes and the inheritance tax.

§ 2. State Assessments—The State Tax Commission shall exercise all the powers and perform all the duties with reference to the assessment or equalization of the assessments of property for purposes of taxation heretofore exercised or performed by any State Board of Valuation and Assessment, by the Railroad Commission, by the State Board of Equalization, or by any other State board or commission, or State officer, except the Insurance Department in the office of the Auditor of Public Accounts. And all such powers and duties are hereby transferred to the State Tax Commission to be exercised and performed exclusively by it. It shall exercise such further powers with reference to State taxes and assessments by State authority as may be conferred upon it by law. It shall be the duty of the Attorney General, when requested by the State Tax Commission, to attend the meet-

ings of the Commission and advise with the same in its proceedings.

Provided, that until the first day of January, 1916, the Auditor, Treasurer and Secretary of State, who, under the provisions of Section 4077 of Carroll's Statutes of Kentucky, edition of 1909, constituted the Board of Valuation and Assessment, shall be members of the State Tax Commission provided for in subdivision 1 of this article, for the purpose of making the assessments of the franchises and other classes of property heretofore assessed by said Board of Valuation and Assessment. For this purpose, and for said period of time, each of said officers shall exercise the same powers and perform the same duties as are provided in this Act to be exercised by and performed by the commissioners.

§ 3. Special Duties—It shall further specifically be the duty of the State Tax Commission, and it shall have power and authority:

(1) Rules—To prescribe rules for its own government and for the transaction of its business. To keep a record of all its proceedings.

(2) Oaths—Each commissioner and the secretary of the Commission is empowered to administer and certify oaths.

(3) Forms—To make out, prepare, have printed and distributed and enforce the use of all forms in relation to the assessment of property, collection of taxes, and revenues in this State, the printing and binding being executed by the public printing contractor for first class work.

(4) Witnesses—To summon witnesses to appear and give testimony, and to produce records, books, papers and documents relating to any matter which the Commission shall have power to investigate or determine.

(5) Examination of Books—To examine the books, accounts, and papers of the individuals, partnerships, companies, associations, and corporations required by law to report to the Commission, or to send its representative or agent to

examine the same, when in the judgment of the Commission such an examination be necessary for the purposes of assessment and taxation.

(6) Supervision of Assessors—To have and to exercise general supervision over the local administration of the assessment and tax laws of the State, and over the performance of their duties by assessors, or by the successors to their duties, that is to say, by the deputy tax commissioners hereinafter in this Act provided for, by boards of supervisors, county clerks, sheriffs, and other county or district officers, so far as the duties of such officers pertain to the public revenues, State or local, all to the end that all assessments of property be made relatively just and equal at true value, and in compliance with law, and that all taxes, licenses, inheritance taxes, and other public charges levied by law shall be duly and fully assessed and collected according to law.

Assessments for Municipal Purposes—Provided, that whenever any municipality shall elect to have the assessment of property within its jurisdiction, and for purposes of city taxation, made by the State Tax Commission and its deputies, as elsewhere in this Act provided for, then the authority of this Commission shall extend over the making of the assessments of the property in such municipality, for municipal purposes.

(7) Conferences—To confer with, advise and direct assessing officers, boards of supervisors and other county or taxing district officers as to their duties relative to taxation under the law.

(8) Prosecutions—To direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officers, administering the tax laws of the State and of all persons, officers or agents of corporations, or others required by law to make returns of taxable property for failure or neglect to comply with the provisions of the tax law; and to cause complaints to be made against assessors, boards of supervisors,

and other officers, whose duties concern taxation, to any court of competent jurisdiction for their removal from office for official misconduct or neglect of duty.

(9) Commonwealth Attorneys to Assist—To require the Commonwealth attorneys and county attorneys to assist in the commencement and prosecution of actions and proceedings instituted as provided in paragraph (8) immediately above.

(10) Reports to be Collected—To require reports from county, district, and city officers relative to the assessment of property, collection of taxes, licenses and other revenues, the expenditures of public money and such other information as may be needful to the work of the Commission, in such form and on such blanks as the Commission may prescribe.

(11) Reassessment—To order a reassessment of property or of any class of property in any county or taxing district, when in the judgment of the Commission such property has not been assessed at its true value to the end that all property in such county or taxing district shall be assessed in compliance with the law.

(12) Visit Counties—To visit the counties in the State, when in their opinion it is necessary for the investigation of the work and the methods adopted by local assessors, boards of supervisors, and other taxing officials, in the assessment, equalization, and taxation of property.

(13) To assemble the district deputy tax commissioners hereinafter in this Act provided for in convention for instruction or conference.

(14) To inquire into the provisions of the laws of other States and jurisdictions regarding jurisdictions and situs of property for purposes of taxation; to confer with tax commissioners of other States regarding the most effectual and equitable methods of assessment, and particularly regarding the best methods of reaching all property, and avoiding conflicts and duplication of taxation of the same property, and to recommend to the Legislature such measures as will tend to

bring about uniformity of methods of assessment and harmony and co-operation between the different States and jurisdictions in matters of taxation.

(15) Violation of Tax Law—To carefully examine into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein the existing laws are defective or improperly or negligently administered, and to take such steps as may be necessary to correct the same.

(16) Confer with Governor—To consult and confer with the Governor upon the subject of taxation and the administration of the laws in relation thereto and the progress of the work of the Commission and to furnish the Governor from time to time with such assistance and information thereon as he may require.

(17) Report of Commission—To transmit to the Governor, for transmission to the Legislature, at least thirty days before the meeting of the Legislature, a report showing in statistical form the taxable property in the State, the taxes thereon and such other matters relating to revenues and taxation as shall be deemed of interest and value, with discussion and explanation thereof, together with recommendations for the improvement of the system of taxation in the State, and measures for the consideration of the Legislature. Copies of this report to be printed for information of the Assembly.

(18) To extend, but not by more than thirty days, the time when any assessor or board of supervisors shall complete his or its work on the assessment roll.

§ 4. Information Confidential—It shall be unlawful for any commissioner or ex-commissioner, the secretary of the Commission, or any other employee or agent of the Commission, to divulge any information acquired by him in respect to the transactions, property, or business of any company, firm, corporation, person, association, co-partnership, or public utility, while in the performance of his duties under

this Act. Any violation of the provision of this section shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both at the discretion of the court or the jury, and the guilty person shall be disqualified from office or employment in the Commission. Provided, however, that the Governor may at any time, by written order, direct that any information herein referred to shall be made public or laid before any court, and in that event it shall not be unlawful to divulge or make known the same. And, provided further, that this prohibition does not extend to any matters required by law to be entered upon any assessment book or roll.

SUBDIVISION III.

Assessment Districts and Local Deputy Tax Commissioners.

§ 1. Assessment Districts—For the purpose of the assessment of real and personal property for taxation, this State is hereby divided into assessment districts. From and after the passage of this Act, until otherwise determined by Act of the Legislature, the assessment districts shall be as follows:

Assessment district number one shall be composed of the following counties: Fulton, Hickman, Carlisle, Ballard, Graves, Marshall and McCracken.

Assessment district number two shall be composed of the following counties: Calloway, Trigg, Christian, Lyon, Livingston, Crittenden, Caldwell and Hopkins.

Assessment district number three shall be composed of the following counties: Union, Henderson, Webster.

Assessment district number four shall be composed of the following counties: Daviess, Ohio, McLean, Hancock, Grayson, Breckinridge, Meade and Hardin.

Assessment district number five shall be composed of the following counties: Simpson, Todd, Logan, Muhlenberg, Allen, Warren, Butler and Edmonson.

Assessment district number six shall be composed of the following counties: Barren, Hart, Larue, Nelson, Bullitt, Green, Taylor, Marion, Washington, Adair, Russell, Cumberland, Monroe, Metcalfe and Casey.

Assessment district number seven shall be composed of the following counties: Spencer, Shelby, Anderson, Oldham, Trimble and Henry.

Assessment district number eight shall be composed of the following counties: Mercer, Boyle, Lincoln, Garrard, Clark, Powell, Madison and Jessamine.

Assessment district number nine shall be composed of the following counties: Franklin, Woodford, Scott, Bourbon and Fayette.

Assessment district number ten shall be composed of the following counties: Boone, Carroll, Gallatin, Brant, Owen, Kenton and Campbell.

Assessment district number eleven shall be composed of the following counties: Pendleton, Harrison, Nicholas, Robertson, Bracken, Mason and Fleming.

Assessment district number twelve shall be composed of the following counties: Greenup, Lewis, Boyd, Bath, Montgomery, Rowan, Menifee, Carter, Elliott, Lawrence and Morgan.

Assessment district number thirteen shall be composed of the following counties: Breathitt, Lee, Wolfe, Estill, Johnson, Martin, Pike, Knott, Magoffin, Floyd, Leslie, Letcher, Owsley and Perry.

Assessment district number fourteen shall be composed of Jefferson county.

Assessment district number fifteen shall be composed of the following counties: Bell, Harlan, Jackson, Laurel, Clay, Rockcastle, Clinton, Pulaski, Wayne, Knox, Whitley and McCreary.

§ 2. Powers of County Assessor Transferred to the State Tax Commissioner—The office of county assessor is hereby abolished under the provisions of Section 104 of the

Constitution and the present incumbents shall be made Deputy State Tax Commissioners, as provided in section three immediately hereafter. There are hereby transferred to the State Tax Commission and its deputies all the powers and duties heretofore exercised by or performed by the county assessors, insofar as such powers and duties are not changed by law. The district tax commissioners and their deputies shall exercise and perform such other powers and duties as may be imposed upon them by law, or by the orders of the State Tax Commission. Provided, however, that so much of this section as may be inconsistent with the provisions for the transitional period as laid down in Section three immediately hereafter is suspended for that period.

§ 3. Temporary Provisions for the Appointment of Deputy Tax Commissioners—From and after the passage of this Act until the expiration of the term of office of the county assessors elected in November, 1913, as said term of office was fixed by law prior to the passage of this Act, the provisions of this section for the appointment of deputy tax commissioners and of district tax commissioners and their deputies shall prevail. But with the expiration of said term of office the regular provisions for the appointment of district tax commissioners, as set forth in the sections of this article immediately subsequent to this section, shall prevail. For convenience and brevity of reference, the period referred to in this section shall be known in this article as the transitional period and the provisions of this section shall be called "temporary" provisions to distinguish them from the "regular" provisions of other sections of this article.

(1) County Assessors to be Appointed Deputy Tax Commissioners—The Governor shall, immediately upon the passage of this Act, appoint all of those persons who were duly elected as county assessors in November, 1913, to be deputy State Tax Commissioners in and for the counties in which they were elected. The term of office of such deputies shall be equal to the term of office for which they were elected

county assssors. Said deputy tax commissioners shall derive their powers solely from the State Tax Commission, of which commission they shall be deputies.

Penalty for Failure to Qualify—Any person appointed a deputy tax commissioner who shall wilfully fail to accept the office and discharge the duties thereof, shall be fined five hundred dollars. Each deputy tax commissioner herein provided for may, with the approval of the State Tax Commission, appoint as many sober, discreet, capable persons, not under the age of twenty-four years, as deputies, to assist him in the discharge of his duties, as the State Tax Commission may deem necessary, and may remove them at its pleasure. They may also be removed by the State Tax Commission. The deputy tax commissioner and his deputies shall read and administer the oath required to be taken by persons whose property is required to be listed for taxation.

The deputy tax commissioner and his deputies, before they enter upon the duties of the office, shall, in addition to the oath prescribed by the Constitution, take the following oath:

Oath—"I do swear that I will administer to every person listing property of any description the oath prescribed by law, and fix the value of all property to be listed by me at its fair cash value, estimated at the price it would bring at a fair voluntary sale, without favor or partiality; and I will diligently search and inquire so that no person shall be passed over or shall fail to have an opportunity to give a list of his taxable property, and that I will truly report all persons who shall fail or refuse to list their taxable property, after being duly called on by me for that purpose, or who have given in a false or fraudulent list, so help me God."

Bond—The deputy tax commissioner shall at the same time execute a bond to the Commonwealth, with good surety, to be approved by the county court for the faithful discharge of the duties of his office, which bond shall be filed in the office of, and kept by the clerk of the county court, and on

which the deputy tax commissioner and his sureties shall be liable for any violation of the duties of his office, by himself or any of his deputies. Action may be instituted on it by the Commonwealth or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained.

Work to Begin When—The deputy tax commsisioner shall commence the duties of his office on the first day of September in each year, and he shall assess the property in his county by justice's districts, in separate books, and he shall also make a separate book or books for each incorporated city, town, or taxing district (except school districts) of his county, by wards or other subdivisions, as convenience may require.

Vacancies, How Filled—In case any person who was elected county assessor shall fail to qualify, or after qualifying as deputy tax commissioner shall die, resign, or be removed from office during his term of office, the powers and duties of his office shall be transferred by the State Tax Commission to the district tax commissioner hereinafter in this section provided for, and so far as that county is concerned, its assessment shall be made, as nearly as may be, in the manner provided for the regular system. The temporary deputy tax commissioners herein provided for shall, subject to the direction, instruction and supervision of the State Tax Commission, make the assessment of all property within their counties, except as otherwise provided for, prepare the assessment books, and perform such other duties as may be imposed upon them by law. Wilful disobedience by a deputy tax commissioner of any just and legal orders of the State Tax Commission shall constitute a cause for removal from office. The State Tax Commission shall remove any recalcitrant or disobedient deputy tax commissioner from office upon written charges preferred. But the accused party shall have the right of appeal to a board constituted in the same man-

ner as provided for under the regular system in Section seven of this subdivision.

(2) Temporary District Tax Commissioners — The State Tax Commission shall, as soon as possible after the passage of this Act, appoint one of the persons elected county assessors and who has been appointed and has qualified as a deputy tax commissioner as provided for in sub-paragraph (1) immediately above, to serve as a district tax commissioner for a term equal to that for which he was elected county assessor. He shall, in addition to making the assessment of his county, under and in accordance with the directions and orders of the State Tax Commission, supervise and direct the assessments made by the deputy tax commissioners for the counties in all the counties in his district. He shall exercise, so far as is consistent with the temporary provisions made in this section, all the powers, and perform all the duties imposed upon the regular district tax commissioners, hereinafter in this article provided for, except the making of the assessment in counties other than his own, and the preparation of the assessment rolls for such counties, and shall be the regular means of communication between the State Tax Commission and the deputy tax commissioners of the counties within his district.

(3) Compensation of Deputy Tax Commissioners— The deputy tax commissioner shall, after he has returned his tax book and the same has been corrected by the board of supervisors, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his tax book thus corrected; and if said court, upon investigation, finds said account to be correct, it shall certify to the auditor the amount due to the deputy tax commission for the services required of him by law, which shall be based on the total value of the assessment made by him as above required, as follows: Four cents on the one hundred dollars of the first million, and one and one-quarter cents on each one hundred dollars of the excess over

one million, but no deputy tax commissioner shall be entitled to receive more than three thousand dollars for his services during any year, except in counties containing a city of the first class, in which the salary shall not exceed four thousand dollars. In counties in which the assessed value of property exceeds thirty-eight million dollars, the deputy tax commissioner shall be allowed, as compensation to deputies appointed and qualified, the sum of one thousand five hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of thirty-eight million dollars. In counties where the assessment does not exceed one million dollars, the deputy tax commissioner shall be paid four and one-half cents on the one hundred dollars of the entire property listed.

Deputy Tax Commissioner's Claim to be Verified—Penalty—Before the county court shall grant such certificate of allowance, the deputy tax commissioner and his deputies, if any, shall, in open court, make and file the following affidavit, subscribed and sworn to by them before the clerk of the county court, viz.: "I do swear that I have not received from any person a list of taxable property and returned the same until the person rendering the list has made oath to the truth of the same; and I do further swear that I have, in no instance, assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale."

Any deputy tax commissioner or deputy who shall make affidavit, knowing the same to be false in any particular, shall be deemed guilty of false swearing, and, on conviction, be punished accordingly.

Deduction for Failure to do Duty—Payment of Deputy Tax Commissioner—A reduction of fifty cents shall be made from the deputy tax commissioner's compensation for each list he shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his

warrant on the State Treasury for eighty per cent. of such allowance, and shall draw his warrant on the Treasurer for the remainder due the deputy tax commissioner, as herein provided, after the October session of the Fiscal Court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property, so far as is known to him, who were omitted by the deputy tax commissioner; also the names of any persons duplicated by the deputy tax commissioner. The report of the sheriff shall be certified to by the county clrek to the Auditor, that the deductions may be made from the deputy tax commissioner's claim as herein provided. Provided, that nothing in this Act shall be construed to deprive the deputy tax commissioners during the transitional period of any fees, compensation or other payments whatever, granted to the county assessors under the law in force January 1, 1914, and said deputy tax commissioners shall perform all the duties of whatsoever nature imposed by law on the former county assessors.

Compensation of District Tax Commissioners—The State Tax Commission shall, with the approval of the Governor, fix such additional sums or allowances, for each district tax commissioner, over and above the compensation allowed to him as a deputy tax commissioner in compensation for his services and for the support of his office as may be deemed necessary. But the aggregate personal compensation of a district tax commissioner shall not be less than one thousand five hundred dollars, nor more than three thousand dollars, except in districts containing a city of the first class, where it shall not exceed four thousand dollars. During the transitional period the district tax commissioners and the deputy tax commissioners shall, within the districts and within the counties respectively to which they are hereby assigned, have the powers, perform the duties and be subject to the obligations imposed upon the district deputy tax commissioners and their deputies in the sbusequent sections of this Act.

§ 4. District Tax Commissioners—After the expiration of the temporary or transitional period, as provided for in Section three immediately above, the following shall be the regular mode of appointment of deputy tax commissioners, and for their general supervision.

There shall be appointed for each assessment district a deputy State tax commissioner, who shall be known as the district tax commissioner, who shall, under the direction and supervision of the State Tax Commission, assess the real and personal property within his district and for the counties within his district, except as otherwise provided by law. The district tax commissioners shall be appointed by the Governor from a list of persons recommended by the State Tax Commission in the manner hereinafter provided. If the Governor and the State Tax Commission fail to agree upon a suitable person from that list to be district tax commissioner in any district, a board composed of the Governor, the State Tax Commission and the Auditor of Public Accounts shall appoint the district tax commissioner from that list, and in that board the State Tax Commission shall have but one vote, and may, by order of the Commission, be represented by any one member.

§ 5. Examination of Candidates for the Office of District Tax Commissioner—Within six months before January 1, 1918, and as soon thereafter as may be necessary, the State Tax Commission shall arrange for examinations to be held to determine the qualifications of persons who may be candidates for the office of district tax commissioner, and such examinations shall be open to any qualified elector of the State. The examination shall take into consideration the candidate's experience as an assessor, his knowledge of the revenue laws, his knowledge of the geography of the State, and especially of any assessment district he may designate, his knowledge of the industries and property in the State or in the district, his general education and business experience, and his physical fitness. Each candidate shall present creden-

tials from at least three reputable citizens as to his integrity and good moral character. The State Tax Commission shall determine in advance of the examinations the credits to be allowed for experience, knowledge of the revenue laws, and for each other qualification, and shall publish the same, and shall give notice of the times and places where examinations will be held on the basis of these examinations; candidates shall be graded and ranked by the Commission and the districts in which they are best qualified to serve shall be determined. The names of persons passing this examination shall be entered in a list to be known as the list of eligibles for appointment as district tax commissioners. Provided, however, that the provisions of this section shall not be held to apply to the appointments made for the transitional period of the operation of this act.

§ 6. Temporary Appointments—The district tax commissioners first appointed under the provisions of Section three of this subdivision shall hold office, unless removed for cause, for four years. But they shall all be eligible for re-appointment after passing the examination provided for in Section five immediately above. All district tax commissioners thereafter appointed shall be appointed solely for those standing highest in the list of eligibles for appointment as district tax commissioners in each district, unless there be no names in the list of eligibles in some district, in which case the State Tax Commission may recommend any person deemed qualified for the office. Such district tax commissioners shall be eligible for reappointment without re-examination.

§ 7. Term of Office of District Tax Commissioners—District tax commissioners appointed ander the regular permanent system shall hold office for four years, but they may be removed by the State Tax Commission for inefficiency, neglect of duty, malfeasance in office, any political activities, or continued ill health incapacitating them from the performance of their duties. All charges must be preferred in writ-

ing. If any question be raised by the person removed from office as to the sufficiency of the cause alleged for removal, the question shall be referred to and be decided by a board composed of the Governor, the Attorney General and the Auditor of Public Accounts; and the decision of that board shall be final.

§ 8. Skill to Be Considered in Appointments—It being the intent of the law to create in the office of district tax commissioner a professional spirit, skill, experience and tested ability shall be the sole considerations in the appointment and removal of such officers, and no consideration shall be given to political affiliations.

§ 9. Deputy District Tax Commissioners—District Tax Commissioners may, with the consent and approval of the State Tax Commission, appoint deputy district tax commissioners to aid them in their work. Deputy district tax commissioners may be employed for part of the year only, or for the whole year, at the discretion of the State Tax Commission. The State Tax Commission shall fix the rate of compensation of deputy district tax commissioners, provided that the sum of the salary of the district tax commissioner together with the compensation of his deputies shall in no case exceed eighty per cent of the allowance for the support of the office of district tax commissioner made in Section ten of this subdivision immediately following.

10. Funds for the Support of District Tax Commissioner's Office—Allowance shall be made for the support of the office of district tax commissioner in each district and for the payment for his services and those of his deputies, if there be any, as follows: Four cents on each one hundred dollars of the first million dollars' worth of assessed valuation of property within each county in his district, as finally reviewed and equalized, and one and one-quarter cents on each one hundred dollars of the excess over one million dollars of such assessed valuation. The State Tax Commission shall from time to time recommend to the Legislature changes

to be made by a general law in the above rates for computing the allowances for the support of the offices of district tax commissioners, but no classification of counties, districts, or of rates or compensation shall be made which shall contravene the spirit of paragraphs "fifteenth" and "eighteenth" of Section 59 of the Constitution of this State. There is hereby appropriated each year out of any money in the State Treasury not otherwise appropriated, a sum sufficient to pay the allowances computed as above set forth. The State Tax Commission shall fix the amount that shall be used out of each district allowance for the payment of the salary of the district tax commissioner and for the compensation of his deputies, if any be deemed necessary, and shall direct how the remainder shall be expended for the maps and other supplies for the district tax commissioner's office. No district tax commissioner shall receive less than fifteen hundred dollars in salary, nor more than three thousand dollars except in a district containing a city of the first class wherein the salary shall not exceed four thousand dollars. The State Tax Commission shall, with the approval of the Governor, fix the salary within the limits of fifteen hundred dollars and three thousand dollars of each district tax commissioner.

Advance to be Allowed—The State Tax Commission shall determine what advances upon compensation of district tax commissioners and of their deputies and for the expenses of their office shall be made prior to the completion of the assessment, and when and in what installments such advances shall be paid. Such advances shall not, in the aggregate, exceed in any district, or in any one assessment period, eighty per cent of the amount which the compensation would have been if computed upon the basis of the last completed assessment. The Auditor of Public Accounts shall draw his warrant on the State Treasurer, payable to the district tax commissioners, for the advances ordered by the Commission. After the close of the assessment the State Tax Commission shall compute the total amount due each district tax

commissioner and shall certify to the Auditor of Public Accounts the balances due. The Auditor of Public Accounts shall then draw his warrant upon the State Treasurer for the balance due, which shall be paid to the district tax commissioners. Any balances remaining unused in the allowances for the support of the district tax commissioner's offices at the close of any one year in which no quadrennial assessment is made shall be placed in a fund in the State Treasury to be known as the quadrennial assessment fund. This fund shall, in the year in which the quadrennial assessment is made, be available to meet any extraordinary expenses of the State Tax Commission in supervising the quadrennial assessment and may be expended by its order in any part of the State. All money which may accumulate in said fund is hereby appropriated to the above purpose. Any balance remaining in the fund at the close of the quadrennial assessment shall revert to the general fund of the Commonwealth.

§ 11. Oath of Office and Failure to Take Office—Each district tax commissioner and each of his deputies, before he enters upon the duties of his office, shall take the oath prescribed by Section 228 of the Constitution of this Commonwealth.

§ 12. Bond of District Tax Commissioners—Each district tax commissioner shall, before entering upon his duties, execute a bond to the Commonwealth in such amount as the State Tax Commission shall determine, with good surety, to be approved by the Attorney General of the State, for the faithful discharge of the duties of his office, which bond shall be filed and safely kept in the office of the State Tax Commission, and on which the district tax commissioner and his sureties shall be liable for any violation of the duties of his office, by himself or any of his deputies. Action may be instituted on it by the Commonwealth or any person aggrieved, and recovery had thereon to the extent of the injury sustained.

§ 13. Entire Time to be Devoted to Office—Each dis-

trict tax commissioner, whether appointed as provided in Section three or in Section four of this subdivision, shall devote his entire time to the performance of his duties and shall not hold any position of trust or profit, or engage in any occupation or business interfering with or inconsistent with his duty as assessor. During the period from January first until September first in each year the district tax commissioner shall devote his time to the correction and revision of the tax maps, and to the collecting, filing and analysis of data concerning the property in his district and its values, and he shall make diligent examination of properties and values and perform such other duties as the State Tax Commission shall prescribe.

§ 14. Office Rooms—The fiscal court of each county, or whatever body shall take over the powers of the fiscal court in any county, shall provide for the district tax commissioner a suitable office room or rooms, when possible in the county courthouse, or when that is not possible, in some other building, together with suitable furniture, in which office shall be safely kept the books, maps, taxpayers' lists, papers and all other records pertaining to the assessment of property within that county, except when any such books or records are required by law to be placed in the custody of other officers. In assessment districts too small in the opinion of the State Tax Commission to warrant the appointment of a sufficient number of deputies to allow one for each county, the county clerk shall have custody of the district tax commissioner's office, books, records and papers during the necessary absence of the district tax commissioner in other parts of his district. The office of the district tax commissioner in each county shall be open to the public for the examination of all public records therein during all business hours. The provisions of Section 1197 of Carroll's Kentucky Statutes, ninth edition, 1909, are hereby extended to cover these public records.

ARTICLE III.

Assessment of Property.

SUBDIVISION I.

General Provisions.

§ 1. Property to be Assessed in Counties—All taxable property, except such as is by law required to be assessed by the State Tax Commission shall be assessed by the district tax commissioners or their deputies in the county in which it has its situs. Provided, that during the transitional period established by Section three of subdivision three of Article two of this Act, the assessment shall be made by the deputy tax commissioners herein provided for.

§ 2. Assessments to be at Full Cash Value—All taxable property must be assessed at its full cash value.

§ 3. Land and Improvements to be Separately Assessed—Land and the improvements thereon shall be separately listed and assessed. Cultivated and uncultivated land, of the same quality and similarly situated, shall be assessed at the same value.

§ 4. Date of Assessment—All taxable property shall be assessed and valued as of the first day of September in each year, except that a complete revaluation and equalization of land and improvements shall be made but once in four years. The first quadrennial revaluation of land and improvements shall be made as of the first day of September in the year 1916, and thereafter once every four years. The provisions of this act relative to the quadrennial assessment of land and improvements shall be suspended for the assessment to be made as of the first day of September, 1914 and 1915.

§ 5. Annual Assessment Roll—A new assessment roll shall be made in each county each year. In the years when a complete revaluation of land and improvements is not to be made, the district tax commissioner shall revise the previous assessment roll as to lands and improvements by add-

ing the assessment of new improvements, removing the assessment of improvements destroyed, by entering the names of new owners and entering all new subdivisions of lands. But he shall value lands and old improvements at the same rates as may be fixed at the time of the quadrennial valuation. All taxable property shall be assessed and valued by him each year and entered in the assessment roll.

§ 6. Fiscal Court to Provide Tax Maps—The fiscal court of each county, or whatever body may take over the powers thereof in any county, shall, on or before July 1, 1916, provide the district tax commissioner with a complete and accurate map of the county, showing, in such form, on such scale and in such detail, as the State Tax Commission shall prescribe, all land within the county and the division thereof into tracts, farms, city and town lots, or otherwise, also all streams, roads, ponds over four acres, lakes, street railroads and such other physical features, property boundary lines and other matters, as the Commission shall prescribe. This map shall be known as the county tax map. The expense of making this map in the first instance shall be borne equally by the county and the State.

Up-keep of Tax Maps—It shall be the duty of the district tax commissioner to revise this map from time to time, to make new copies when necessary, and to keep the same up to date, clean, legible, and in good condition, and the expenses connected with the revision and up-keep of the county tax maps shall be paid out of the allowance for the maintenance of his office, when such expenses have been approved by the State Tax Commission. It shall be one of the first duties of the State Tax Commission, after its organization, to prepare the specifications for these county tax maps, and to transmit them to the fiscal courts. If the fiscal court of any county fail or neglect to provide a county tax map, the State Tax Commission shall cause to be made, and one-half of the cost of making the map shall be collected from the

county in the same manner that other valid claims against the county may be collected.

§ 7. Use of Tax Map—Liability of District Tax Commissioner—After the completion of the tax maps, the district tax commissioner shall use the county tax map in his district to check the accuracy and completeness of his assessment roll. He shall enter upon his assessment roll every piece of taxable land shown upon the map. He shall be liable under his bond for the taxes, State and county, which should have been collected upon any and every piece of land shown upon the map and not entered in the assessment roll.

§ 8. Description of Lands—Lands shall be described in the assessment roll by general boundaries, or in counties which have been divided into sections by the United States land survey, by section number and the customarily recognized fractional subdivisions thereof. But lands may be described by reference to numbers or letters on plats or maps on file in office of the county court clerk, or on the county tax maps. The State Tax Commission shall fix and authorize abbreviations which shall be used in the description of lands, but which shall be sufficient to clearly identify the lands described.

§ 9. Real Estate Assessed to Owner If Known—Real estate shall be assessed to the last ascertainable owner of record of the first freehold estate therein, and may be assessed to "unknown owners," if none be ascertainable. No error in the name of the owner shall invalidate the assessment, nor shall any error in the description of the property invalidate the assessment, provided the description be sufficient to identify the property intended to be assessed.

§ 10. County Clerk to Certify Conveyances, Etc.—Each county court clerk shall, on or before the first day of September of each year, make and certify to the district tax commissioner of the district in which the county lies, in such form and in such detail as the State Tax Commission shall prescribe, a complete statement of all conveyances of lands,

mortgages or other liens upon lands and other obligations for money due or to be paid, and all building contracts. The statements shall show distinctly the dates of execution of the conveyances, or contracts, the dates of execution and of maturity of notes and other evidences of indebtedness; the consideration therefor; the date of filing or recording; the amount thereof; and the name and county of residence of the owner, payee, beneficial holder thereof or other person or corporation liable for taxes thereon; and such other matters or things as shall be ordered by the State Tax Commission. Said statements shall be made eo each district tax commissioner of the State of such notes or other evidences of indebtedness as may be owned or held by persons or corporations residing, or having their principal place of business, in the county of such deputy tax commissioner. No mortgage, conveyance or other instrument of writing constituting a lien or other security for any note or other evidence of indebtedness shall be received for record by any county clerk of this Commonwealth. Unless such mortgage, conveyance, or other writing, give the county and State of the residence and postoffice address of the person or corporation owning or holding said note or other evidence of indebtedness. Should there be an assignment of such note or other evidence of indebtedness, of record in the clerk's office, the assignment shall state the county and State of the residence and postoffice address of the assignee; unless any assignment is made of record, the original holder or owner shall be liable for taxes as though no assignment had been made. Any person who shall knowingly and intentionally give false or fictitious address or name in any such instrument or assignment, as above mentioned, or other than the true consideration in any conveyance, shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than ten dollars nor more than one thousand dollars. Each statement made by the county clerk, as herein required, shall cover a period of one year next prior to the date such statement is required to be

made. Said statement shall be sworn to by the clerk before some person authorized to administer oaths, as a full and complete statement of said facts. For his services in making such statements, the clerk shall be paid a reasonable compensation by the fiscal court of his respective county; said statement shall be returned by the various deputy tax commissioners, with their tax books, schedules and list of conveyances, to the county clerks of their respective counties for the use of the boards of supervisors. Any clerk failing to perform his duties under this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered by warrant or indictment. Nothing herein shall be construed to effect the validity of any instrument or assignment heretofore made.

§ 11. Taxpayer's Statement—To aid him in making the assessment, the district tax commissioner shall each year exact from each person a list or statement, under oath, setting forth specifically all the real estate and personal property owned by such person, or in his possession, or under his control, on the first day of September, and the situs of such taxable property. This list or statement shall be in writing, or in printing and writing, in such form and detail as the State Tax Commission shall from time to time prescribe, and shall show all property belonging to, claimed by or in the possession or under the control or management of the person making the list or statement, whether such person be an individual, a firm, association, company, or corporation.

Lands and Improvements to be Separately Valued—In prescribing the form for the list or statement to be exacted from each person, the State Tax Commission shall provide for the separate listing of lands, whether in tracts or city and town lots, and of improvements, in the classes specified in Section four of Article one of this act, and in such other classes as the State Tax Commission shall deem necessary. The list or statement shall contain an exact description of all

lands in parcels or subdivisions as required in Section eight of subdivision one of Article three of this act. The list shall also contain all personal property of each person in such classes as the State Tax Commission shall prescribe, and shall show specifically all taxable bonds; stocks, notes, accounts, credits, cash, the number of thoroughbred and common horses, of each sex and age; mules, asses, neat cattle, sheep, swine, agricultural implements and machinery; other tools and machinery, wagons, carriages, automobiles, other vehicles, safes, household furniture, musical instruments, manufactured articles, raw materials for manufacturers, paintings, books, jewelry, diamonds and other precious stones, watches, silverware, steam engines, steamboat and other water craft, patent rights, wines, whiskies, brandies and other liquors, stocks of goods, wares and merchandise, and such other matters and things as the State Tax Commission shall prescribe.

§ 12. Penalty for Refusal to File Statement—If any person, after demand made by the assessor, neglects or refuses to give, under oath, the statement provided for in Section eleven of subdivision one, Article three, of this act, immediately before this section, or to comply with the requirements of the law, the deputy tax commissioner must note the refusal on the assessment book, opposite the name of such person, and must make an estimate of the value of the taxable property of such person. At the close of the assessment the deputy tax commissioner shall transmit to the board of supervisors in each county and to the State Tax Commission a verified report in writing, separate from the assessment roll, containing a complete list of all persons who refuse or neglect to furnish a statement of their property as in this act provided, or to comply with the requirements of this act, together with the amount of the assessment upon the property of such persons, with a statement of the facts, if any, upon which the assessment was made, and the valuation of the property so assessed ascertained. Such assess-

ments shall be called for convenience "arbitrary assessments," but they shall be made as fairly and equitably as possible in the best judgment of the deputy tax commissioner. No board of supervisors, nor the State Tax Commission, may reduce any arbitrary assessment, but may raise the same, if found to be too low, to such amount as may be deemed just. Any excessive tax resulting from an arbitrary assessment is hereby declared to be imposed as a penalty for an unlawful act, and if not paid or collected as are other taxes, may, together with the proper tax, be collected as are other fines and penalties. Should any person neglecting or refusing in any one year to give the statement herein required, neglect or refuse to do so the next succeeding year, the arbitrary assessment for the second year shall be double that of the preceding year, and the doubling shall continue each year thereafter until a satisfactory statement shall be rendered. Provided, however, that no arbitrary assessment shall be made upon lands, nor at the time of the quadrennial assessment of lands and improvemetns shall any arbitrary assessment be made upon improvements, it being the duty of the district tax commissioner, the boards of supervisors and the State Tax Commission, with or without the taxpayer's statement, to find and value all lands and the improvements thereon at the time of the quadrennial assessment. And provided, further, that if the owner of any property found by the deputy tax commissioner be absent or unknown, the deputy tax commissioner must make an estimate of the value of such property, which shall not be deemed an arbitrary assessment, and which may, on proper showing, be lowered by a board of equalization.

§ 13. Penalty for Fraud—Any property wilfully concealed, removed, transferred or misrepresented by the owner, or agent thereof, to evade taxation, must upon discovery be assessed at not exceeding three times its value and the assessment so made must not be reduced by any board of equalization.

§ 14. Double Taxation of Property Not Assessed the Year Before—Any property discovered by the district tax commissioner to have escaped taxation the preceding year, if such property is in the ownership or under the control of the same person who owned or controlled it the preceding year, may be assessed at double its value.

§ 15. Roll Books to be Provided—Before the first day of September of each year, the State Tax Commission shall deliver to each county clerk of this State for the use of the district tax commissioners, a sufficient number of assessment roll books, and the necessary blank schedules or taxpayers' lists, for the assessment of all property, real and personal, with the affidavit attached thereto to be signed and sworn to by the person returning the list.

§ 16. Itemized List—The form of the list or statement shall provide a place for the entry of the value of each item of property listed. The person listing his property may enter his estimate of the value thereof. But the estimate of value entered by the person listing the property shall not be binding on the deputy tax commissioner, nor on any board of equalization, nor on the State Tax Commission, except in cases where value affords the sole appropriate description of the property, and even in such cases the right of the taxing officials to question the accuracy of the statement as to the amount thereof is reserved.

§ 17. Taxpayer's Oath—The form of the taxpayer's oath shall be substantially as follows:

"I ....., a resident of..... county, do swear that the above list contains a full and correct statement of all property subject to taxation, owned by me, in my possession or under my control on the first day of September last; and that I have not, in any manner whatsoever, concealed, transferred or disposed of any property, or placed any property out of the county, or of my possession for the purpose of avoiding any assessment upon the same or of making this statement."

§ 18. Deputy Tax Commissioner May Examine Under Oath—The district tax commissioner and his deputies shall be authorized to examine persons under oath as to their property, and as to the value thereof, to examine books and papers to ascertain the amount and value of property. The information obtained from the taxpayer's lists or statements, or as provided in this section, except insofar as it may afterwards appear on the assessment roll or book, shall be deemed confidential and all the provisions of Section four in subdivision two of Article two of this act shall apply to district tax commissioners and their deputies as they do to the commissioners and to their employees, except that it shall be lawful to submit this information to any board of supervisors and to the State Tax Commission.

§ 19. District Tax Commissioner to Fix Value—The district tax commissioner shall, from his own knowledge, from the statement of the person listing the property and such other information as he may be able to obtain, fix the value upon all taxable property. But the State Tax Commission may direct the use, solely for purposes of uniformity, in ascertaining the fair cash values of standard or basing values per unit of land measurements for the valuation of real estate as hereinafter in this act provided. The State Tax Commission may further classify personal property and, for the same purposes, may direct the use of standard values for each unit of count or measurement of each class. It may especially, and each year, classify and grade all horse kind, mules, asses, neat cattle, sheep, swine and poultry and fix a value per unit for each class or grade, and in like manner classify, grade and value grain, tobacco, hemp, and any other kinds of personal property capable of such classification and fairly uniform in value throughout the State and widely distributed. The district tax commissioners shall follow these standard values, except when the use thereof for any reason shall result in inequality.

§ 20. Preparation of the Assessment Books—The dis-

trict tax commissioners must prepare each year an assessment book or books for each county in the form and manner to be provided by the State Tax Commission. He shall prepare the book or books for each county according to justice's districts, incorporated cities, towns and taxing districts therein. Where two or more books are used, each book shall be numbered in sequence and described in such manner on title page and cover as to clearly indicate the taxing district or districts or portions of the county contained therein, and each book shall contain, near the front page and before the assessment entries, a complete list of all the books constituting the assessment roll of the county and showing its place in the series of books. Assessments may be entered alphabetically or in any convenient geographical sequence, but in the latter case there shall be prepared either at the end of the last book after all the assessment entries, or in a separate book, a complete alphabetical list or index of all the persons assessed, with proper reference to the page or pages of the book or books in which the assessments are entered. Clerical or other errors or omissions in the index shall in no wise affect the validity of any assessment. At the close of each book, except the last in sequence, there shall be a statement showing the number and description of the next book in order, and in the last book, a statement that the roll ends here. All blank spaces and pages in any book upon which no assessment entries are made shall be ruled or marked off, so as to clearly show the fact that the entries are completed or that they are continued on subsequent pages and upon which pages.

The assessment roll shall show under appropriate headings and columns, as prescribed by the State Tax Commission, the following items and such others as may be from time to time prescribed by the State Tax Commission:

(1) The name and postoffice address, if known, of the person to whom the property is assessed.

(2) Lands described as in this act provided.

(3) Improvements on land.

(4) All personal property in such detail as the State Tax Commission shall prescribe, but failure to enumerate personal property in detail shall not invalidate any assessment, provided that the total amount in value assessed against each person is shown.

(5) The cash value of each item assessed.

(6) Franchises, railroad property and all other property assessed by the State Tax Commission and assigned or apportioned to the county and other local districts and the value thereof assessed.

(7) The taxing district in which the property is assessed.

(8) The total value of all property assessed against each person.

(9) The sum totals of all lines and columns.

(10) The assessment books shall also contain appropriate columns for the entry of the rates of taxes levied upon the property and for the extension of the taxes levied upon the property of each person, but these columns shall not be filled in by the district tax commissioner but by the county clerk, as hereinafter in this act provided.

Entries shall be mide with ink, and may be made in writing, or by writing and printing, by rubber stamp or other device. Values shall be in figures. All entries shall be fair, neat and legible. No erasures, either by rubbing, knife, or chemical, or other means, shall be permitted on the assessment roll or book, but errors may be corrected in such manner as to show clearly the original erroneous entries and the correct entries, and such corrections shall be explained in the margin and signed by the person making them, and the corrections so made, if made by an authorized official, shall be valid as if they were original entries.

§ 21. Illegal Entries in Assessment Books—No person, save the district tax commissioner, his deputies, and other officials expressly required by law so to do, shall make any

entry, correction or alteration in the assessment books or rolls. Any person illegally making such entry, correction or alteration or mutilating the assessment books or rolls shall be guilty of a felony, and punished by imprisonment in the State penitentiary from one to five years.

§ 22. District Tax Commissioner's Oath—On or before the first day of January in each year, the district tax commissioner shall complete the assessment rolls for each and every county in his district, and he and his deputies must take and subscribe an affidavit in the assessment book to be substantially as follows:

"I, ..., district tax commissioner for the.....district and for the county of..... ..... do swear that, between the first day of September and the first day of January, in the year of our Lord nineteen hundred and.....I have made diligent inquiry and examination to ascertain all the property within the county of.....(or within the subdivision thereof assessed by me, as the case may be), subject to assessment by me, and that the same has been assessed on the assessment book or books, equally and uniformly, according to the best of my judgment, information and belief, at its true value, and that I have faithfully complied with all the duties imposed on the deputy tax commissioner under the revenue laws; and that I have not imposed any unjust or double assessment through malice or ill-will or otherwise; nor allowed anyone to escape a just and equal assessment through favor or reward, or otherwise; so help me, God." But failure to take or subscribe to such an affidavit, or any affidavit, shall not in any manner affect the validity of any assessment.

§ 23. Books to be Delivered to County Clerk—As soon as completed, the assessment book or books, together with the maps, records, statements, and copies of any orders of the State Tax Commission, used or followed in making the assessment, must be delivered into the custody of the county clerk for the use of the board of supervisors. Until the day

set for the hearings before the board of supervisors, as hereinafter in this act provided, the books shall be open to the inspection of all persons interested. Provided, that the State Tax Commission may for good cause shown extend, but not by more than thirty days, the time for completing the roll of any county.

§ 24. District Tax Commissioner's Report to Commission—On completion of the assessment rolls in his district the district tax commissioner shall at once forward to the State Tax Commission a report, in such detail and form as the Commission shall prescribe, of his assessments. Under the transitional provisions of Section sixteen of Article two of this act this duty shall devolve on the deputy tax commissioner.

§ 25. Penalty—Every tax commissioner who fails to complete his assessment rolls, or fails to transmit the report mentioned in the preceding section, shall forfeit the sum of one thousand dillars, to be recovered on his official bond, for the use of the Commonwealth, in an action brought in the name of the Commonwealth by the Attorney General, when directed to do so by the State Tax Commission.

§ 26. Names of Purchasers—How Entered—Lands once described in the assessment book need not be described a second time, but any person claiming the same and desiring to be assessed therefor, may have his name inserted with that of the person to whom such land is assessed.

§ 27. Property in Two Counties—Property lying in two or more counties shall be assessed, as nearly as may be, in each county in that proportion which the part in each county bears to the whole. Ferries and toll bridges connecting two counties, other than warehouses, wharves or other appurtenances in each county, together with the franchises thereof, shall be assessed one-half in each county. Where property lies in two assessment districts, the two district tax commissioners shall confer as to and determine the value.

§ 28. Property Discovered to be in Other Counties—

Any district tax commissioner obtaining in any way information concerning property taxable in some other district or county shall at once notify the district tax commissioner of that district, and send him a description of the property, the name and address of the owner and any other facts pertinent to the assessment. A duplicate of such notice shall be sent to the State Tax Commission. For this service the district tax commissioner shall be allowed fifty cents for each parcel of property so reported and assessed.

§ 29. Assessment Roll the Warrant for the Collection of Taxes—The assessment roll or book shall be the sole warrant for the collection of State and county taxes, and of district taxes to be collected by the sheriff as hereinafter provided and covered into the county treasury, and may be the warrant for the collection of municipal taxes, as hereinafter in this act provided.

§ 30. Copies for Cities—Cities and towns desiring to have their taxes collected on the basis of the county assessments may, with the consent and approval of the State Tax Commission, obtain copies of the assessment roll. Such copies shall be made by deputies of the district tax commissioners and shall be certified to by the district tax commissioner or his deputy. The city or town requesting the copy shall pay into the State Treasury a sum equal to five cents per folio of one hundred words or figures. The money so paid is hereby appropriated to pay the expenses of copying the rolls at such rates not exceeding five cents per folio as the State Tax Commission shall allow, and shall be kept in a separate fund to be known as the "city assessment roll fund," and shall be paid out by the Auditor of Public Accounts on order of the State Tax Commission in the same manner as other payments are made of State money.

SUBDIVISION II.

QUADRENNIAL REVALUATION OF REAL ESTATE.

Duties of State Tax Commission and of Deputy Tax Commissioners.

§ 1. Real Estate Revalued Only Once in Four Years —Once every four years the valuation and assessment of real estate shall be thoroughly revised and corrected. The values fixed at that time shall be used, unchanged, except as otherwise provided by law, as the assessed values of the real estate during the three succeeding years. The first quadrennial assessment shall be made as of September first in the year 1916. Provided, that, whenever the State Tax Commission shall determine that the value of real estate in any district or county or city or town has changed materially during the interval between the regular quadrennial revaluation of real estate herein provided for, the Commission may order a revaluation and assessment of such real estate to be made, and such revaluation shall be made at the time of the regular annual assessment of all property.

§ 2. Rules and Standard Values, Agricultural Lands— The State Tax Commission shall formulate rules and issue instructions to district tax commissioners as to the manner in which the quadrennial revaluation of real estate is to be made. It may cause the district tax commissioners to assemble in convention for discussion and instruction.

The State Tax Commission may, for the purpose of obtaining uniformity of valuation for agricultural and other tracts of land, denominate grades or classes of land, and may, if it deem it expedient to do so, fix standard values for the guidance of district tax commissioners. The Commission may, before any quadrennial assessment of real estate, cause its rules, grades, classes or standard values to be published, and public hearing as to the reasonableness of the rules, grades, classes, or values may be held in different parts of the State.

Rules and Basing Values, City Lands—The State Tax Commission may likewise prescribe general rules, or fix "basing values," for the purpose of securing a uniform valuation of the city and town lots. These rules and standard values, or "basing values," may be published and the Commission may hold public hearings for discussion of the rules and standard values within each city.

Rules and Standard Values, Improvements—The State Tax Commission may, if it deem it expedient, fix rules and standard values for different kinds and classes of improvements, both in the country and in cities, all to the sole end that assessments shall be uniform and equal at the true value of the lands and improvements. It shall have power to enforce its rules and standard values, and to require them to be followed by all district tax commissioners and their deputies.

§ 3. District Tax Commissioners to Search Out Values —The district tax commissioners shall, prior to the making of the first quadrennial revaluation of real estate, diligently examine the real estate within their districts and ascertain its value. They shall search out, through all available sources of information, the actual consideration paid when real estate is conveyed from one person to another. They shall ascertain the appraisements made of real estate in the case of estates passing under the inheritance laws, or appraisements made under condemnation proceedings, or for any other purpose. They shall examine, if deemed necessary, under oath, any real estate dealers, brokers, agents, or other persons having knowledge of real estate values. They shall inquire into the rentals paid for real estate under lease and may demand and examine the lease contracts. They shall inquire into the products obtained from the different classes of lands and the values and costs thereof. They shall make such further inquiries as the State Tax Commission shall prescribe. They shall keep a record in their own offices of all the facts and of the information obtained, as above pro-

vided, and shall transmit copies of these records to the State Tax Commission.

§ 4. District Tax Commissioners to Keep Records of Values—Preparatory to each subsequent quadrennial revaluation of real estate after the first, the district tax commissioners shall continue the above investigations into real estate values all throughout the ensuing years between the revaluations and shall search out all evidences of changing values. They shall revise their records and send copies of the changes to the State Tax Commission.

§ 5. District Tax Commissioners to Fix Values—Upon the basis of the information obtained by them, and in accordance with any instructions issued by the State Tax Commission, the district tax commissioners shall fix the values of real estate and enter the same in their assessment rolls. The values so determined and entered shall be subject to review and equalization by the county boards of supervisors as hereinafter in this act provided, and by the State Tax Commission, and when so reviewed and equalized, shall be the assessed values for the ensuing four years, unless in the meanwhile the State Tax Commission shall have ordered a new revaluation of real estate to be made.

Subdivision III.

Assessments by The State Tax Commission.

§ 1. Property Assessed by State Tax Commission—Every corporation organized under the laws of Kentucky whether doing business in this State or not, and every corporation organized under the laws of any other State or country, doing business in Kentucky, except religious, benevolent, and other associations, not organized for profit, whose property is exempt under the Constitution of this State, is hereby declared to possess a taxable franchise, and said franchise is property subject to taxation as any other property under the provisions of this act. But the franchises of banks and trust

companies, are hereby declared to be covered by and included in the assessment of the shares of stock elsewhere in this act provided for, and shall not be again assessed and taxed. The word "company" as used in this subdivision, shall include any corporation, joint stock company, association, partnership, firm, or individual engaged in the business specified.

All franchises, all property of railroads, including interurban and street railways, whether tangible or intangible, the shares of stock in all banks and trust companies, all property, tangible and intangible, of railroad bridge companies, all property, tangible and intangible, of turnpike companies, all property, tangible and intangible, of all telephone and telegraph companies, of all car companies, of all express companies, of all oil pipe line companies, of all gas companies, of all electric light companies, of all electric power companies, of all press dispatch companies, and also of all other corporations, companies, or associations, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, whenever any of said companies have property lying in two or more counties; the franchises, but not the tangible property of public utilities operating in only one county; and all distilled spirits in bonded warehouses shall be assessed by the State Tax Commission acting as a central Board of Valuation and Assessment.

The assessments so made shall be entered on a State assessment roll, hereinafter provided for, and shall also be apportioned by the State Tax Commission to the counties, cities and other taxing districts where the property is located and entered on the county, city and other assessment rolls. The State taxes thereon shall be paid directly to the State Treasurer upon order of the Auditor of Public Accounts, all local taxes thereon shall be paid as other local taxes are paid. No other assessment for general State or local taxation shall be made on property of this kind.

§ 2. Reports to State Tax Commission—For the pur-

pose of aiding the State Tax Commission in making these assessments, every corporation, company, or person owning or having control of any of the property named in section one of this subdivision, including franchises and tangible property, shall file with the Commission a report in such form and in such detail as the Commission shall prescribe. These reports, except as otherwise specifically provided, shall be due September first, and delinquent ten days thereafter in each year.

The reports from the different classes of taxpayers herein required to report shall contain the following information and such other information as the State Tax Commission shall deem necessary. The Commission shall prescribe the form of the report and may provide different forms for different classes of corporations and companies, and shall furnish printed blank forms for the making of the report.

(1) Reports on Franchises—Every railway comapny or corporation, and guarantee or security company, gas company, water company, pipe line company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair-car company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, also every corporation organized under the laws of Kentucky whether doing business in this State or not and every corporation organized under the laws of any other State or county and doing business in Kentucky, except banks and trust companies, elsewhere in this Act provided for, whose franchises are hereby declared to be covered by the taxes otherwise computed; and except, further, religious, benevolent and other corporations not organized for profit, whose

property is exempt under the Constitution of this State, and including further every person, firm, partnership or association exercising, or possessed of the right to exercise, any special or exclusive privilege or franchise granted by the Commonwealth, or by any county, city or other governmental authority, or perforimng any public service, shall, in addition to the taxes imposed on its tangible property by law, annually pay a tax on its franchise to the State and a local tax to the county, incorporated city, town or taxing district where its franchise may be exercised and shall file with the State Tax Commission a report on its special franchises and on its corporate franchise setting forth the following facts as of June thirtieth in the year for which the report is made, or for the year ending June thirtieth as the case may be, viz.: the name and principal place of business; the State or country under the laws of which it is organized; the name and postoffice address of its officers or agents in this State, and the name and postoffice address of the officer or agent who is charged with the duty of paying taxes; the kind of business engaged in; the number and par value of the shares of capital stock, preferred or common, authorized; the number of shares of capital stock issued and outstanding; the amount paid thereon in cash and the amount paid in in property or other considerations; the highest price at which any such stock has been sold or transferred by the company or by any stockholder at a bona fide sale within twelve months preceding the thirtieth day of June in the year in which the statement is made; or if no sale has been made, the amount at which any bona fide offer of sale or of purchase was made; the amount of surplus funds and undivided profits and the value of all other assets; the amount of all indebtedness, showing separately the bonded debt, mortgages, notes and all unsecured or other indebtedness; the gross receipts and the net income, from all sources for twelve months next preceding June thirtieth in the year in which the statement is made; the expenses incurred for the same period; the

amount, kind and true cash value of all tangible property taxable in this State, and where situated and assessed, or liable to assessment; the amount and true value of all nontaxable property owned; the assessed value of all property, other than the franchise, owned on the thirtieth day of June, whether acquired since assessment or assessed in the name of the company or person reporting as assessed on the last completed State or county assessment roll; and any and all facts which the State Tax Commission shall require.

Inter-state Companies—In the case of corporations or companies doing business in this State and in other States, except railroad companies, telegraph and telephone companies, car companies, express companies, and all other companies doing a public service, each company shall report the total amount of business done both within and without this State and the amount done within this State, also what proportion, as nearly as may be ascertained, of its aggregate capital is invested and used within this State, what proportion of its employees are employed within the State, and how many agents or business correspondents it has within this State.

Railroad and Other Companies to Report Additional Items—Railroad companies, telegraph and telephone companies, car companies, express companies, pipe line companies, and all other companies doing a public service, and doing business both within this State and in other States, shall, in addition, report the length of the entire lines owned and operated both within and without the State, and the length of the said lines within the State; also, the length of the lines owned, but not operated and by whom operated, both within and without the State; also the length of the lines operated but not owned, and by whom owned, within and without the State; also the length of the lines owned and operated, owned but not operated, and operated but not owned, in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes, in this State.

Net and Gross Receipts—They shall also report the gross and net receipts within and without the State, including among the receipts within this State that proportion of the receipts from interstate business reasonably attributed to this State. The gross receipts attributable to this State shall include the receipts from business beginning and ending in this State, and that proportion of the receipts from interstate business, which the mileage of the roads, lines, or routes, over which such interstate business is done within this State, bears to the total mileage over which such business is done.

(2) Railroads to Report on Physical Property—Railroad companies operating within the State, including interurban and street railways, shall, in addition to the facts required concerning the franchises, report the following facts concerning the physical property:

a. The whole number of miles of railway owned and operated in the State, and, where the line is partly within and partly without the State, the whole number of miles within and the whole number of miles without, owned and operated by the company reporting;

b. The whole number of miles owned but not operated, and by whom owned, both within and without the State.

c. The whole number of miles operated but not owned, and by whom owned, both within and without the State.

In regard to lines owned but not operated, or operated but not owned, a statement showing who under the terms of the lease or other operating is responsible for, or will assume, the payment of the taxes which may become a lien on the property.

d. The number of miles of right of way, showing separately that used and unused in this State, and in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes, in this State, showing separately, also, the right of way for main line, and that for spurs, wyes, sidings, and other track appurtenances

and the width of all rights of way with a general description thereof.

e. A description of the road bed, rails, bridges, of any double track, of spurs, wyes, sidings and other track appurtenances, of signal systems, telegraph lines, telephones, and other appliances for communication; of any terminal facilities within this State; all by convenient or by recognized divisions, lines, or sections of the road, and by political subdivisions of this State, together with the value thereof per mile of rights of way in each political subdivision of this State.

f. The depot grounds and buildings, other lands and buildings, or structures, all section houses, barns, warehouses, packinghouses, elevators, and other structures on or off the right of way, and the value thereof in each politiacl subdivision of this State.

g. The number, kind, and value of all rolling stock owned or hired and used on the entire system operated, and the proportion thereof used within the State, together with the value of each kind and class used on the entire system and of such used within this State.

Statement To Be Filed But Once—Whenever a complete statement of the above terms, (a) to (g) inclusive, has once been filed to the satisfaction of the State Tax Commission, no annual restatement thereof need be filed thereafter unless required by the Commission, but all changes which may be necessary to keep the statement up to date and true for each succeeding year, shall be reported annually.

(3) Other Public Utilities to Report Tangible Property—All telephone and telegraph companies, all car companies, all express companies, all oil pipe line companies, all gas companies, all electric light companies, all electric power companies, all press dispatch companies, and also all other corporations, companies or associations, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service

whenever any of said companies have property lying in two or more counties, shall report, in addition to the report above provided for, all their tangible property in such form and in such detail as the State Tax Commission shall prescribe, including all rights of way, poles, wires, pipes, conduits, cables, switchboards, telephone and telegraph instruments, batteries, generators and other electrical appliances, all exchange and other buildings and lands, canals, tunnels, ditches, flumes, aqueducts, dams, reservoirs, water sources and water rights, transformers, substations, gas holders, gas and electric generators, meters, gas and electrical appliances, oil tanks, power plants, pumping plants, pipe lines, power houses, cars, and other rolling stock, trucks, wagons, horses, harnesses, and safes, and all other physical, tangible and intangible property of every sort and description. And all such companies, shall further upon the demand of the State Tax Commission, furnish any map or other descriptions of its properties which said Tax Commission may require.

(4) Local Officials to Report Boundaries of Districts—The State Tax Commission may require any State, county, city or town, or district officials having knowledge of the same to file a statement or a map showing where any railroad or other public utility crosses the boundary when entering or leaving their counties, cities, towns or districts, and upon application of any railroad or other public utility shall furnish such railroad or other public utility with a copy thereof.

(5) Banks and Report What—It shall be the duty of the president, cashier or other chief officer of each bank or trust company, organized under the laws of this State, or under the laws of the United States, or of any other State or country and located in this State, to make and deliver to the State Tax Commission a verified statement, in such form and detail as the State Tax Commission shall prescribe, showing the following facts:

The name and postoffice address of the bank or trust company; the name of the president, cashier and directors and their post office addresses; the number of shares of the capital stock and the par value thereof; the amount paid in on the capital stock; the amount of the surplus and of the undivided profits; the market value of each share of stock; the amount and value of all real estate situated in this Commonwealth, held and owned by the bank or trust company and the assessed value thereof; all the assets and liabilities; the loans and deposits; and such other information as the State Tax Commission shall require. The items shall all be reported as of the close of business on the first day of September or on the nearest business day thereto. Provided, that, in each year when there is to be a revaluation of real estate affecting any real estate owned by any bank, that bank may postpone reporting the assessed value of such real estate until the revaluation shall have been completed, but it must, in the report above provided for, state the true value of, and give a description of the real estate.

(6) Railroad Bridge Companies to Report—Railroad bridge companies shall report, in addition to the information required in the report on their franchises, the following information concerning their tangible property. The location of the bridges, a description of the structure, and of all rights of way leading thereto, all other real estate owned, including all buildings and structures, all machinery and all personal property, the railroad companies using the bridge or bridges and the terms of such use, and such other items as the State Tax Commission shall prescribe.

(7) Turnpike Companies to Report—Every turnpike company shall, in addition to the report required on the franchise, make a report on the tangible property, showing the whole length of the road, the length of the road in each county, the width of the right of way, all real estate owned, all buildings or other structures, machinery and tools and

such other matters and things as the State Tax Commission shall require.

(8) Reports on Spirits—Every owner or proprietor, whether a corporation, a partnership, or either, of a distillery bonded warehouse in which distilled spirits are stored shall, between the first day of September and the first day of October of each year, report the quantity and kind of spirits in such warehouse on the first day of September in the year in which the statement is required to be made, the dates when the spirits were made, the county, city, town or taxing district in which the warehouse is situated, whether or not the United States Government tax has been paid thereon, if not, the date of expiration of the bonded period, the fair cash value of the spirits, estimated at the price it would bring at a fair voluntary sale, and such other facts as the State Tax Commission may require.

§ 3. Verification—All statements or reports, required under Section two above, shall be verified. In the case of a corporation, the verification shall be by the president, cashier, secretary, treasurer, manager, resident agent, or some other chief and responsible officer, receiver, assignee, trustee, administrator, executor or other person in control, whose affidavit shall be satisfactory to the State Tax Commission. In the case of individuals, firms or partnerships, by the owner or a member of the firm or partnership.

§ 4. Assessment, How Made in Case of Failure to Report—If any company or person, required to make the report provided for in Section two of this subdivision, shall, after demand therefor, fail or refuse to furnish the State Tax Commission, within the time prescribed in this Act, the verified report required to be made, the Commission shall make a note of such failure in the assessment roll of the State hereinafter in this Act provided for, and shall make an estimate, from the best information it can obtain, of all matters and things required to be reported, and shall make an assessment of the franchises, shares, or other property

to be assessed. This assessment shall be known, for convenience as an arbitrary assessment, but shall be as fair and equitable as possible. The Commission shall send notice of this assessment to the last known postoffice address of the company or person assessed and shall allow the company or person ten days in which to show cause why the assessment should not be final. After a lapse of ten days the assessment shall be final, unless cause for correction be shown.

Penalty for Failure to Report—If in any succeeding year the company or person again fail or refuse to report, the same procedure shall be followed, and a penalty equal to the tax shall be added thereto to be collected in the same manner as the tax is collected. For each subsequent failure, the tax and penalty shall be an amount equal to the tax plus twice the penalties imposed the preceding year.

Company's Penalties—Any company wilfully failing or refusing to make and furnish any report prescribed in this Act, or rendering a false or fraudulent report, shall be guilty of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each offense.

Officers' Penalties—Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this Act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or to be imprisoned not exceeding one year in the county jail of the county where said report was verified, or be subject to both said fine and imprisonment, at the discretion of the jury.

§ 5. How Franchises Are To Be Assessed—In making the assessment of franchises, the State Tax Commission shall from the reports of the companies and persons required to be filed, as provided in this subdivision or from any other available sources of information, fix, according to its

best judgment, the value of the aggregate capital stock employed by the company or person within this State, whether such capital stock be represented only by the shares of common or of preferred capital stock in the narrower sense of the term "capital stock," or also by bonds, notes, or other securities used to obtain funds, or capital stock in the broader sense of that term, used in the conduct of the business.

Determination of Capital Stock—In thus determining the value of the aggregate capital stock, the State Tax Commission may consider the prices at which the shares of capital stock, the bonds or other securities were sold or transferred, or at which they have been quoted for sale or purchase. It may also consider the earnings of the company available for dividends, the interest promised and that being paid, or available to be paid, upon bonds, and all other profits or receipts. It may consider also any other related facts pertinent to a determination of the true value of the aggregate capital stock. It shall specially consider the fact of incorporation, the ownership, enjoyment, or exercise of any special privileges, patents, or other rights, and the existence of contracts and business agreements and business connections and other similar factors, contributing to the value of the aggregate capital stock.

Interstate Business of Non-utility Companies—In the case of corporations or companies other than railroads, telephone and telegraph companies, car companies, express companies, pipe line companies, and other public service companies doing business in other states as well as in this State, the State Tax Commission shall determine the value of that part of the capital stock which is used in this State. In making this determination, the State Tax Commission may consider the gross and net receipts within and without the State, including among the receipts within this State that proportion of receipts from interstate business reasonably attributable to this State; the actual investment of capital within this State, in land, buildings, machinery and other

property; the number of employees, agents, business correspondents and the like within this State; and any other facts pertinent to a fair and equitable apportionment of the capital stock to this State.

Interstate Public Utilities—In the case of railroads, telegraph and telephone companies, car companies, express companies, pipe line companies, and other public service companies, the road lines and routes of which extend beyond the State, the State Tax Commission shall fix the value of the aggregate capital stock of the company, both within and without the State, and shall determine what proportion thereof is used within the State. In determining the value of the capital stock used within this State, the Commission may consider the ratio of the number of miles of road, lines, or routes operated within the State to the total number of miles of road, lines or routes operated both within and without the State. It may also consider the ratio of gross receipts within the State to the total gross receipts within and without the State. In considering gross receipts, it may attribute to this State all receipts from business beginning and ending in this State, and that proportion of the gross receipts from interstate business which the mileage of roads, lines, or routes, over which such interstate business is done within the State, bears to the total mileage over which such business is done. It may also consider what allowance or deduction, if any, should be made for parts of the capital stock invested in other roads, lines, or routes not operated as part of the system entering this State, or which is invested in property or used in business of another character, or otherwise not representing any part of the system operated in direct conjunction with the roads, lines or routes entering this State. It may also consider what additions should be made to the proportion of the capital stock deemed to be used in this State, or to portion outside the jurisdiction of the State for plants, works or other special facilities within, or, respectively, without the State, for differences in the original cost, present value or earning

power of different parts of the system. It may also consider any other facts pertinent to a fair and equitable determination of the proportion of the aggregate capital stock used within this State.

Kentucky Companies Operating Outside the State—If any company of the kinds named in this section being a company organized under the laws of this State have all its rails, lines or routes outside of this State, the State Tax Commission shall fix the value of its entire capital stock as hereinbefore provided, and apportion to this State for taxation therein the proper proportion and not less than one per cent of its said capital stock, and the amount so apportioned shall be the value of its intangible property, including its corporate franchise, stocks, bonds, securities and choses in action, subject to taxation in this State and in the county, city, town and district where its principal place of business in this State may be located.

Franchises—How Measured—From the value of the aggregate capital stock of each company as determined by the State Tax Commission, there shall be subtracted the assessed value of all tangible property taxed in this State, whether assessed by its deputies, the district tax commissioners, or by the State Tax Commission itself, and the value of all nontaxable property in this State belonging to the company. The difference or remainder shall be considered the value of the intangible property of the company, or the value of the franchise as the term "franchise" is used in this Act.

§ 6. Commission to Assess Physical Property—The State Tax Commission shall each year value and assess the physical or tangible property within this State of all the corporations, companies enumerated in Section one of this subdivision and shall determine the amount thereof in each political subdivision of the State having taxing power. In determining the value of the physical property, the State Tax Commission shall be guided by the reports required to be made under this Act, but it may take into consideration any

and all other sources of information available. It may inspect the property and may send its duly accredited representatives to do so. The Railroad Commission shall grant to the State Tax Commission access to any and all of its files and records bearing upon the value of railroads.

§ 7. Assessment of Bank Shares—The shares of the capital stock of all banks and trust companies, doing business in this State, shall be subject to taxation, both for State and local purposes, in the same manner and at the rates as other property is taxed, and upon the basis of valuation and assessment hereinafter in this section provided for.

The State Tax Commission shall each year value and assess the shares of the capital stock of all banks and trust companies doing business in this State. The shares of the capital stock of the banks shall be assessed and taxed in the city or town where the bank is located and not elsewhere. The assessment and taxation of the shares of stock of banks organized under the laws of the United States shall not be at greater rate than is assessed upon the shares of stock of other banks and trust companies in this State. In making the assessment, the Commission shall first determine the actual value of the shares, and shall then deduct therefrom the assessed value of any real estate situated in this State and owned by the bank or trust company in its own right. The shares of the capital stock of all banks and trust companies shall be assessed to the owners or holders thereof. But it shall be sufficient to describe the owners or holders as the "owners or holders of the shares of stock in the Bank of .....," inserting the name of the bank. The banks shall be liable for all taxes on the shares and shall act as the agent of the shareholders for reporting the value of the shares, and shall pay the taxes on behalf of the shareholders.

In the case of banks not having shares of capital stock, of agencies or branches of banks not incorporated under the laws of this State and of any analogous banking houses, the State Tax Commission shall assess the moneyed capital used

in this State by each such bank, agency, branch, or other banking house. The shares of capital stock of solvent banks in liquidation shall be assessed as the shares of other banks are assessed. The shares of insolvent banks in liquidation shall be assessed at, as nearly as may be, the amount that will be realized by the shareholders after liquidation has been completed.

§ 8. The State Assessment Roll—On or before January first in each year, the State Tax Commission shall make an assessment roll, or book or books, to be known, for convenience, as "The State Assessment Roll," and shall enter therein the names of taxpayers whose property has been assessed by them as provided in Section one of this subdivision, together with their last known office addresses, and the kind and assessed value of the property assessed by it. It shall deliver the State assessment roll when completed to the Auditor of Public Accounts, who shall extend the State tax against the property shown therein.

§ 9. Assessments Apportioned to Counties—All assessments made by the State Tax Commission shall, by that Commission, be apportioned to the counties in which the property so assessed has its situs. The State Tax Commission shall, on or before December first in each year certify to each district tax commissioner the names of the taxpayers whose property has been assessed and apportioned to the counties within his district, or county, together with the last known postoffice addresses of the taxpayers, the kind and assessed value of the property assessed by the Commission, and such other details as the Commission shall deem necessary. The district tax commissioner shall enter the assessments so certified to him in a part of the assessment roll, book or books of the county, to be designated "the roll of property assessed by the State Tax Commission," and shall segregate the same to the different taxing districts within the county. The county clerk shall, as hereinafter in this Act provided, extend against this property all taxes to which it

is subject, save and except the State tax, and he shall make no entry of the State tax on this part of the roll. In making the apportionment to the counties, cities, or other taxing districts, of the assessment of the franchises of railroads, and other public service corporations, companies, and associations named in Section one of this subdivision, when the same are operating or have property lying in two or more counties, the State Tax Commission shall make that apportionment on the basis of the miles of rails or lines within each county, city, or other taxing district. The tangible property of such corporations, companies, or association, except rolling stock and similar movable tangible property, shall be assessed where it lies. Rolling stock and similar movable tangible property shall be apportioned on a mileage basis over the lines where it is used. The assessments so made and apportioned, and no other, shall be the basis of taxation of said franchises, in the counties, cities and other taxing district.

§ 10. Notice of Time for Hearings—On or before the first day of December in each year the State Tax Commission shall complete the assessment and shall publish a notice in one daily paper published at the State Capital, one daily paper having a general circulation in the eastern part of the State, one having a general circulation in the central part of the State, and one having a general circulation in the western part of the State, stating that it has completed the assessment of property to be assessed by the State Tax Commission and that the assessment roll thereof will be delivered to the Auditor of Public Accounts on the first day of January, and will on that day certify the assessments to the tax commissioners for insertion in the county rolls, and that if any corporation, company, person, firm, partnership, or association is dissatisfied with the assessments made by the Commission, it may at any time before the first day of December apply to the Commission to have the same corrected in any particular. The Commission shall have power at any

time before the first day of December to correct the State assessment roll and to raise or lower any assessment therein of its own motion, or on application as above provided, if in its judgment, the evidence presented or obtained warrants such action.

Article IV.

Review and Equalization.

Subdivision I.

County Board of Supervisors.

§ 1. Appointment of Boards of Supervisors—In every year in which a quadrennial revaluation of real estate is to be made, or in any year when a revaluation of real estate has been ordered by the State Tax Commission, the county judge of each county concerned shall, at the November term of the court, appoint five intelligent, discreet housekeepers, who are owners of real estate and who reside in different portions of the county, to constitute the board of supervisors of assessments for the county. In counties in which there is a city of the first or second class, he shall appoint three additional persons from each such city who shall be residents of different wards therein; and in counties in which there is a city of the third or fourth class he shall appoint two additional persons from each such city, who shall be residents of different wards therein, and the persons so appointed from the cities shall, with the other five above provided for, constitute the board of supervisors of assessments for such counties.

§ 2. Board of Supervisors for Review of Personal Property—In years when no revaluation of real estate is to be made, the county judge may, if he deem it necessary, appoint a similar board of supervisors of asesssments, and he must do so when requested to do so by the State Tax Commission, or by the fiscal court of the county or by that board, body, commission or court which may in any county take

over and exercise the functions usually exercised by the fiscal court.

§ 3. Sheriff to Serve Appointments—The clerk of the County Court shall make as many copies of the order appointing such supervisors as there are supervisors appointed and one more, and deliver same to the sheriff of the county, who shall deliver a copy to each supervisor at least twenty days before the first day of January thereafter and make due return thereof to the clerk of the county court.

§ 4. Oath Supervisors Shall Take—The supervisors, before they enter upon the discharge of their duties, shall take the following oath:

"You swear that you will, to the best of your ability, discharge the duties required of you as supervisor of tax, and that, in each instance where the property has not been assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale, you will increase or decrease the value and fix the value at what you believe the property would bring at a fair voluntary sale."

§ 5. Penalty for Failure to Attend Sessions—The failure to be in attendance promptly on the day fixed for the session of the board to begin shall, without a reasonable excuse, subject the person or persons so failing to a fine of not exceeding twenty-five dollars; and the vacancy or vacancies so created, or from any other cause, shall be filled by the county judge.

§ 6. Meeting of Supervisors and Duties—The county boards of supervisors of assessments shall convene in public session at the county seat of their respective counties on the first Monday in January of the year succeeding their appointment. The county clerk shall act as secretary of the board. At the time of their convening, the county clerk shall lay before the county board of supervisors the assessment roll or books, together with the maps, records, statements and copies of any orders of the State Tax Commission used or followed by the district tax commissioners in making the

assessments. The board of supervisors shall examine the books and ascertain:

(1) Whether all property subject to taxation has been entered thereon and whether any has been assessed more than once; (2) whether all the requirements of the law with respect to assessments have been complied with; (3) whether the real estate, and other property has been valued according to law and the true values entered in the assessment roll.

§ 7. Supervisors' Powers—The board of supervisors shall have power, and it shall be its duty:

(1) To order the district tax commissioner to enter in the assessment roll, and to fix the value of any property found to have been omitted; (2) to order the district tax commissioner to correct any erroneous entries, to cancel duplicate assessments and to make the roll conform to the law; (3) to hear the complaints of any taxpayers claiming to be aggrieved by any unjust or unequal assessments, and after consulting with the district tax commissioner or his deputy, may order the tax commissioner to raise or lower the assessments made of the property of the taxpayers appearing and complaining, but no taxpayer who has failed, refused, or neglected to file with the tax commissioner a sworn statement of his property shall be entitled to be heard, nor shall his assessment be reduced; (4) to raise, on its own motion, any or all assessments found in the rolls, but no assessment shall be lowered, save as provided in sentence (3) immediately above; (5) to summon witnesses and to examine them under oath. Any person who shall wilfully fail to obey the summons of the board, or shall refuse to testify before it when required, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

All orders issued to the district tax commissioner shall be entered in the minutes of the board and duplicate copies thereof transmitted by the county clerk, one to the district tax commissioner and another to the State Tax Commission.

The orders shall be numbered, and when making the entries or corrections ordered by the board, the district commissioner shall make a marginal reference to the order complied with. In all its actions, the board of supervisors must conform to the rules and orders of the State Tax Commission in the same manner as is required in this Act of the district tax commissioners. The district tax commissioner shall comply with all orders of the board. But the State Tax Commission, may on appeal, annul any order, and in that event the district tax commissioner shall regard the order as void.

§ 8. Review of Personal Property—In the years in which the regular quadrennial revaluation of real estate is to be made, or any special revaluation of real estate has been ordered by the State Tax Commission in any county, city or town, the boards of supervisors shall devote special attention to the values of real estate and make every effort to bring about a full assessment thereof. In all other years, any board of supervisors which may be appointed and convene shall make no changes in real estate values, save of new improvements added, but shall confine their orders to the values placed upon personal property and new improvements.

§ 9. Sessions of Supervisors—In each year when a revaluation of real estate is to be made, the board of supervisors shall hold two sessions with an interval of two weeks between them. In all other years there shall be but one session. In counties having a population of less than twenty thousand and not containing a city of the first, second, third or fourth class, the first session, or the only session, shall continue not less than two, nor more than six days; and in counties having a population of twenty thousand or more, and not containing a city of the first, second, third or fourth class, the board shall continue in session not less than two nor more than eight days; and in counties containing a city of the first class, the board may remain in session not to exceed twenty days; and in counties containing a city of the

second class the board may remain in session not to exceed fifteen days; and in counties containing a city of the fourth class, the board may remain in session not to exceed ten days. The second session shall, in counties having a city of the first or second class, continue not less than one nor more than ten days, and in all other counties, not less than one nor more than five days.

§ 10. County Clerk to Notify of Changes—It shall be the duty of the county clerk to notify all taxpayers, whose assessments have been ordered made or changed, of the assessment or change and the amount thereof. Such notices shall be sent by mail to the last known postoffice address of the taxpayer. If the address be not known, the sheriff shall serve them. The cost of mailing the notices, or of services, shall be paid out of the county levy.

§ 11. Appeal From Decision of Supervisors—Taxpayers dissatisfied with the action of the county board of supervisors, or who by reason of the shortness of the sessions of that board have not been heard, shall have the right to appeal to the State Tax Commission. Such appeals must be presented before the first Monday in February; any later appeals are hereby barred. The appeal may be in writing and sent by mail, in which case it must be verified under oath, or it may be presented in person. The appeal may be heard by any district tax commissioner, or his deputy, and the facts obtained at the hearing shall be forwarded by the district tax commissioner to the Commission. The Commission shall decide the appeal and its decision shall be final. But no taxpayer who has failed, neglected or refused to file a sworn statement of his property shall have the right of appeal, nor shall any such appeal, if attempted to be made, be granted or heard.

§ 12. Certificate of Supervisors—The board of supervisors shall keep a record of the proceedings and of all formal orders issued. They shall annex their certificate to the assessment roll, book or books, certifying that they have

examined the same, and approve them, when amended or corrected as ordered and shall return them with the record of their proceedings to the county clerk as soon as their last session be over.

§ 13. Compensation of Supervisors—The supervisors and the clerks shall be allowed for their services four dollars per day for each day they shall be necessarily employed, to be paid one-half out of the State Treasury and one-half by the county. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above compensations computed as above directed. The clerk shall certify to the county court the approval of the assessment roll, book or books, and the number of days of the sessions and the amount due for compensation. The county court shall enter the facts of record and shall certify the same to the State Tax Commission, who, if it finds that the proceedings were in order, shall transmit the claims of the supervisors and clerks against the State to the Auditor of Public Accounts, who shall pay the same in the same manner as other legal claims against the State are to be paid. The county court shall also certify the claims of the supervisors against the county to the fiscal court for payment and said court shall provide for their payments.

§ 14. Irregularities Not to Invalidate—Any informality or irregularity in the discharge of their duties by the supervisors, and any failure of duty on their part, shall not render any assessment invalid.

§ 15. Tax Commission May Sit With Supervisors—The State Tax Commission may send one or more of its members to attend any session of the board of supervisors, or may send its accredited representative to attend such session or sessions, and such members or representatives shall be empowered to sit with the board of supervisors, and to take part in its proceedings, but shall not have a vote.

§ 16. Books and Records Returned to Clerk—Upon

completion of the work of the board of supervisors, the assessment roll, book or books shall be taken in custody by the county clerk, and all maps, statements, orders of the State Tax Commission or other records shall be returned to the district tax commissioner.

§ 17. Supervisors Not to Raise State Assessments—No board of supervisors shall raise or lower any assessment of property subject to assessment by the State Tax Commission and apportioned to the counties as provided in subdivision three of Article three of this act.

SUBDIVISION II.

The State Tax Commission to Act as State Board of Equalization.

§ 1. State Board of Equalization—How Constituted—The State Tax Commission shall constitute the State Board of Equalization. It shall have power, at the time of the session provided for in the next section, to raise or lower the assessed value of the property assessed on the rolls of any county, either as a whole or by classes. But it shall not have power to raise or lower any individual assessment, after the same has been approved by the board of supervisors, save on appeal from rulings of a county board of supervisors, as provided for in subdivision 1 of this article.

§ 2. Meetings—The State Tax Commission shall convene at the State Capitol as the State Board of Equalization on the second Monday in February in each year, and remain in continuous session, for the purpose of equalizing the assessment of property between counties throughout the State, for thirty days, or longer, if deemed necessary by the board. It may adjourn its sessions at the State Capitol to reconvene in any county.

§ 3. To Examine Assessments—At this session, the State Board of Equalization shall carefully examine the reports of the district tax commissioners as to the valuations

of property in each county, and shall examine the orders made by the county boards of supervisors and shall compare them with all data on file in their office or obtainable from any source, and shall determine whether the assessments conform to the true value in money of the property assessed.

§ 4. Percentage to be Added or Subtracted—Equalization shall be accomplished by directing that a given percentage shall be added to or subtracted from the assessed value of all the property on the rolls of any county or added to or subtracted from the assessed value of any class of property. Provided, that no percentage shall be added to or subtracted from money or other cash items on the roll.

§ 5. Percentages on Real Estate—Only in those years when a revaluation of real estate has been made, shall any percentage be added to or subtracted from the assessed value of real estate in any county, except new improvements, but in those years the State Board of Equalization shall give special examination to the completed assessments of real estate.

§ 6. Notifications to Counties of Changes—When it is contemplated by the State Board of Equalization that it will be necessary to raise the assessed value of property in any county, it shall give public notice in that county, in such manner as it shall deem sufficient, to the taxpayers of the county, and to the county court of the county, of the contemplated action, and shall set a day and fix a place for a hearing. At that time and place any taxpayer of the county, or any officer thereof, may appear and shall be heard. The county court may appoint not to exceed five witnesses or accredited representatives of the county to appear at such hearings. The compensation and expenses of such witnesses or representatives shall be paid by the county.

§ 7. When No Equalization is Deemed Necessary—If the State Tax Commission shall be satisfied that in any one year, through its supervision of the work of the district tax commissioners of the county boards of supervisors, it has

already brought about substantial equality in the assessments throughout the State, it may, on the first day of its session as the State Board of Equalization or within three days thereafter, by notice given to the county court of each county, declare that no percentages will be added to or subtracted from the assessed values of any county on the board's own motion. But any county or any taxpayer within any county, believing the assessed values in any county to be higher or lower than those of any other county, may within ten days after the day of the issue of the notice of non-intention to equalize, demand a hearing, and said hearing shall be granted and a day and place fixed therefor. In such case the assessed valuation of each and every county shall be subject to equalization as though the notice of intention to make no changes had not been issued.

§ 8. Certificate of Changes to County—Whenever the State Board of Equalization shall have raised or lowered the assessed valuation of property in any county, or any class of property in any county, it shall prepare a verified certificate of such action and forward the same to the county clerk of the county affected. Upon receipt of this certificate, the county clerk shall at once correct the assessement roll by adding or deducting the percentage ordered from each and every assessment to which the action of the State Board of Equalization applies.

When the State Board of Equalization has completed its work, it shall notify also all counties whose assessments were not changed of that fact.

§ 9. Certifications to Auditor—Immediately upon the completion of its work and not later than April first, in each year, the State Board of Equalization shall certify to the Auditor of Public Accounts the final equalized value of the property assessed in each county in the State. The Auditor of Public Accounts shall at once compute the amount of taxes due from each county on the property assessed upon its rolls and shall cause to be printed and sent to each county clerk,

each county court and each fiscal court, or its successor in powers, a statement showing the assessments made on property within each county and the State taxes due therefrom. In its report to the Auditor of Public Accounts the State Board of Equalization may give the assessed property by counties in such classes or in such detail as it shall deem necessary and the Auditor of Public Accounts shall publish his statement in substantially the same detail.

ARTICLE V.

Duties of The County Clerks in Relation to The Revenues.

§ 1. County Clerk to Check the Roll—The county clerk shall, after the examination and approval of the assessment roll by the board of supervisors attesting the accuracy of the extensions and additions on said books, make the additions for each of the columns or lines required to be added and determine the aggregate value or other totals in said assessment roll. He shall also make a recapitulation on blanks to be furnished by the Auditor of Public Accounts and record a copy of said recapitulation in said assessment roll with his official seal attached, and send another copy to the Auditor of Public Accounts. It shall be his duty to see that all footings, additions and recapitulations are correct.

He shall annually make out for the use of the sheriff or collector, in a book furnished by the State Tax Commission a correct list of all tithes and shall deliver the same to the sheriff or collector on or before the first day of March, and take his receipt therefor. For attesting the accuracy of the extensions and additions on said book and for making the additions of each column, and for making out said list of tithes for the sheriff, and for computing and extending the amount of the taxes due, the county clerk shall be allowed annually, out of the State Treasury, three (3) cents for each tax computed against any taxpayer, and also for each line calling for the total values and total taxes. The clerk shall

present his account to the county ccourt, verified by his affidavit, which shall be approved and allowed by the court, if found correct, and duly certified to the Auditor, who shall draw his warrant on the Treasurer for the amount, and for making out said recapitulation sheet and recording the same in the tax book, said clerk shall receive two (2) cents for each line across the page thereof, including the last number of total values and the same compensation for copy certifying said recapitulation sheet to the Auditor, to be ascertained by the Auditor and paid by the Treasurer on the warrant of the Auditor. It shall be the duty of the county clerk, after the approval of the tax books by the board of supervisors, to mark with a perforating punch each line of said tax book and the recapitulation sheet, or sheets, upon which a list is not already entered. The fiscal court shall furnish the clerk with said punch. The failure of the county clerk to comply with this provision will subject him to a fine of fifty ($50.00) dollars.

§ 2. County Clerk's Preliminary Report to State—The county clerk must, on or before February fifteenth in each year, prepare from the assessment roll of his county, as corrected by the district tax commissioner under the orders of the board of supervisors, a statement in duplicate, showing in separate columns:

(1) The number of acres of land.

(2) The total value of all property.

(3) The value of all lands.

(4) The value of all improvements on land.

(5) The value of personal property in such classes as the State Tax Commission shall prescribe.

(6) The assessed value of all property sold for delinquent taxes.

(7) Such other items as the State Tax Commission or the Auditor of Public Accounts shall prescribe.

As soon as it is prepared, the clerk shall transmit, by

mail, one copy thereof to the Auditor of Public Accounts and the other to the State Tax Commission.

§ 3. County Clerk to Complete the Roll—As soon as the county clerk receives from the State Tax Commission a statement of the changes ordered to be made by it, when acting as a State Board of Equalization, in the assessment roll of the county, he must make the corresponding changes in the assessment roll of his county by entering the same in a column to be provided with a proper heading in the assessment book or books. In computing the assessments so changed, any fractional sum when equal to or more than fifty cents shall be counted as one dollar, and any less than fifty cents shall be omitted, so that the value of any separate assessment shall contain no fraction of a dollar.

§ 4. County Clerk to Extend the Taxes—The county clerk must then compute and enter in a separate money column in the assessment book or books, the respective sums, in dollars and cents, rejecting all fractions of a cent, to be paid as a tax on the property therein enumerated, showing also the total amount of all taxes, and the total value of all property as assessed and equalized.

§ 5. County Clerk's Oath—On or before June first in each year the county clerk must deliver the corrected assessment book or books, with the taxes entered therein, to the sheriff, with an affidavit attached thereto, and subscribed by him substantially as follows:

"I, ..., county clerk of the county of..... ....., do swear that I have examined the assessment book or books of this county and find that they are properly corrected to conform to the action of the board of supervisors, and that I have further corrected them to conform to the action of the State Tax Commission; that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage as required by law."

§ 6. County Clerk to Charge the Sheriff with Taxes

and Hand final Report to Auditor—On delivering the assessment book or books to the sheriff, the county clerk must charge the sheriff with the full amount of taxes levied, except the taxes due the State on assessments made by the State Tax Commission and entered in the State assessment roll. He shall forthwith transmit to the Auditor of Public Accounts, in such form and detail as the Auditor shall prescribe, a verified statement of the amounts so charged showing separately State and local taxes. Any county clerk failing to forward such statement to the Auditor of Public Accounts for ten days after the roll has been delivered to the sheriff shall forfeit to the Commonwealth one thousand dollars, to be recovered on his bond by action brought by the Attorney General in the name of the Auditor of Public Accounts.

§ 7. Change of Sheriffs—When any assessment roll is transferred from one sheriff to another, the county clerk shall credit the one and charge the other with the amount then outstanding on the assessment roll.

Article VI.

Collection of Taxes.

Subdivision I.

Collection by Sheriff—Bond and Duties.

§ 7. Change of Sheriffs—When any assessment roll is office, shall be collector of all State, county and district taxes, unless the payment thereof is, by law, especially directed to be made to some other officer.

§ 2. Sheriff Bond and Quietus—Qualifications of Sureties—Lien—The sheriff or collector shall, on or before the first day of March next succeeding his election, and on or before the said day annually thereafter, enter into bonds with surety for the faithful performance of his duties. A quietus by the Auditor of Public Accounts, and from the fiscal court

of his county for the preceding year shall be produced by each sheriff or collector to the county court on or before that day, and no tax book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he receives his certificate of election up to and including the first day of March succeeding his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose. The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payments of all their debts and liabilities, a sum equal to the aggregate amount of money, which may probably be received by the sheriff or collector during the year succeeding the execution of the bond. The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff or collector, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of the office of sheriff or collector, or a de facto sheriff or collector, or any person who may act as sheriff or collector.

§ 3. Failure to Execute Bond Forfeits Office—Appointment of Sheriff or Collector—On the failure of the sheriff or collector to execute bond and qualify as hereinbefore provided, he shall forfeit his office, and the county court may appoint a sheriff or collector to fill the vacancy until a sheriff or collector is elected, or it may appoint a collector for the county of all monies due the State, county or taxing district authorized to be collected by the sheriff, or it may appoint a separate collector of all the monies due the State, county or any taxing district thereof during the vacancy in the office of sheriff; and in the event the county court fails for thirty

days to appoint a collector of money due the State the Auditor of Public Accounts may appoint a collector thereof. Such collectors shall, within ten days after their appointment, execute bond as required of the Sheriff, to be approved by the county court, and if the bond be not executed within said time the appointment of another collector may in like manner be made and qualified; but such collector shall only be required to give bond for and collect such taxes or monies as may be mentioned or provided for in order of the county court appointing him.

§ 4. Sheriff or Collector Who Forfeits Office—Not to Be Appointed to Certain Offices—No sheriff or collector who shall forfeit his office under the preceding section, or who shall resign his office, shall be appointed deputy sheriff or collector for the county, or elisor or deputy collector or a deputy elisor; and if such appointment be made he shall receive no compensation for his services as such.

§ 5. Sheriffs Revenue Bond—The bond of the sheriff or collector shall be, in substance, as follows: We, A. B. (sheriff or collector, as the case may be), and C. I. and E. F., his sureties, bind and obligate ourselves, jointly and severally, to the Commonwealth of Kentucky, that the said A. B. (sheriff or collector, as the case may be), shall faithfully perform his duties. Witness our signature this..... day of..... The bond shall be executed in duplicate, one of which shall be filed and recorded in the county clerk's office, and the other shall be sent to the Auditor of Public Accounts and filed in his office.

§ 6. County Court May Require Additional Bond—The county court may require the sheriff to give an additional bond or bonds, with good surety, to be approved by the county court whenever it may deem the interest of the State or county so demands; and the sureties on all the bonds executed by the sheriff shall be jointly and severally liable for any default of the sheriff during the term in which said

bond may be executed, whether the liability accrues before or after the execution of such bond or bonds.

§ 7. Outgoing Sheriff to Deliver Office and Settle—Penalty—The outgoing sheriff, as soon as his successor has been qualified and his bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and shall make a full and complete settlement of his accounts as sheriff. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a sum not less than fifty nor more than five hundred dollars, and be liable on his bond for any default.

§ 8. Death of Sheriff—Sureties May Nominate Collector—If the sheriff shall die, resign or be removed during his term of office, his sureties shall have the right to nominate a person to collect the revenues for that year, and upon their written nomination of such person he shall be appointed by the county court, and the sureties shall remain liable to the Commonwealth for the taxes with which their principal was charged: Provided, That this section shall not apply when in any case the sureties, in the opinion of the county court, are not in the aggregate worth, in property subject to execution, above their debts, the amount of the taxes with which their principal was charged.

§ 9. Office at Courthouse—Books Kept By—Balances—The sheriff shall keep his office at the county seat of the county, except in counties where the sheriff has an office established in cities or towns other than the county seat, in which counties the sheriff shall continue his office at the place now established, and the fiscal court shall provide him with a room or rooms for an office with a vault or place of safety in which to keep the records of his office. He shall keep an accurate account of all moneys received by him, showing the amount thereof, the time when, and from whom received and on what account; also, of all the disbursements made by

him, the amount thereof, to whom paid, the time of payment, and on what account; and he shall so arrange and keep his books that the amounts received and paid on accounts of separate and distinct or specific appropriations shall be exhibited in separate and distinct accounts. He shall balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made.

§ 10. Sheriff's Books Open to Inspection—The books of the sheriff shall at all times be open to the inspection of the Auditor of Public Accounts, the Auditor's agent, the fiscal court or any member thereof, the Commonwealth's and county attorneys, or any taxpayer or person having any interest therein.

§ 11. Bookkeeping—Form of—Auditor to Adopt—It shall be the duty of the Auditor of Public Accounts to adopt a form of bookkeeping and furnish the books not later than March 1, to be paid for as other county records, for the several sheriffs and collectors, and all sheriffs and collectors are required to keep their books and accounts in the manner and form required by the Auditor of Public Accounts, and on intentional failure of any sheriff or collector to keep his books in an intelligible manner and according to the form prescribed by the Auditor of Public Accounts and to make the entries as required by law, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than fifty nor more than two hundred dollars, and on failure of the Auditor of Public Accounts to furnish the sheriffs and collectors with such form of bookkeeping and books, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than one hundred dollars nor more than five hundred dollars. The failure to furnish any sheriff or collector such form of bookkeeping and books shall be deemed a separate offense. The Franklin Circuit Court shall have jurisdiction to try each offense against the Auditor of Public Accounts for violations of this section.

§ 12. Office to be Kept Open—Taxes, Dues, Retained Out of Claims—Witness Fees—The sheriff shall keep his office open for the collection of moneys which he may be entitled to receive, at all reasonable times, except Sunday and legal holidays; and when any money is paid him, he shall immediately enter the same upon his record books and give to the person paying it a receipt therefor, specifying therein the amount and on what account the same was paid, and when paying any money he shall take a similar receipt. He shall retain the amount of tax and other public dues against any person or corporation out of any claim allowed by the Commonwealth or the fiscal court to such person, except claims allowed for attendance as a witness, notwithstanding any assignment of the same.

§ 13. Deputy Sheriffs — Appointment — Bond — The sheriff or collector may, with the approval of the county court, appoint one or more deputies, and take bond to himself for the faithful discharge of the duties of such deputies; but in all cases the sheriff shall be liable on his bond or bonds for any misconduct or fault of such deputies; any deputy may be removed at any time by the sheriff.

§ 14. Justices' Districts Visited to Receive Taxes—Notice—The sheriff or one of his deputies shall, at least once every ninety days, between March first and November first, visit each justice's district of the county for the purpose of receiving taxes; and he shall give notice of the time and place where he will receive taxes in such districts by written or printed notices posted at three or more public places therein, for not less than ten days before the day designated for that purpose.

§ 15. Taxes When Due—Reports and Payments to Auditor—Penalty—The sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, June, August, September, October, November, December, under oath, report to the Auditor of Public Accounts the amount of all taxes he has collected and pay

the same immediately, and shall account for and pay all taxes which he has collected for the State into the State Treasury by the first day of December in each year, and upon his failing to do so he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin county at the next term of said court after such failure to report, the name of such sheriff or collector so failing to report. The sheriff or collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the 31st day of December in each year. The Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this act.

§ 16. Sheriff Not to be Interested in Public Works Nor Buy Claims—Penalty—No sheriff or collector shall be concerned or interested, directly or indirectly, in the construction of any public works or improvements made or undertaken, in which the county or State shall be directly or indirectly interested, or on which he may be required to pay money, nor speculate in any claim against the State or county. Any sheriff or collector violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined a sum not less than five hundred and not more than two thousand dollars for each offense.

§ 17. Misapplication of Funds Collected—Penalty—It shall be unlawful for any sheriff or collector to apply or use any money received by him for any purpose than that for which such money shall have been paid or collected; every such application shall be deemed a misdemeanor, and, on conviction, the sheriff or collector shall be fined not less than

one hundred nor more than five hundred dollars for each offense.

§ 18. Sheriffs' Settlements—Exceptions to—Appeal from Judgment on—Each sheriff or collector shall, when required by the fiscal court, settle his accounts of county or district taxes, and at the regular October term of each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorneys to settle the accounts of the sheriff or collector of money due the county or district. The report of such settlement shall be filed in the county clerk's office, and be subject to exceptions by the sheriff or collector or county attorney, who shall represent the Commonwealth and county, and the county court shall try and determine such exceptions. An appeal may be prosecuted by either party from the judgment of the county court on such settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney shall not be required to give an appeal bond, or actions may be instituted in any court of competent jurisdiction to correct the settlement; and the settlement, when approved, shall be recorded in the county clerk's office.

§ 19. Reports to County of Taxes Collected—The sheriff or collector of the State and county revenue of each county of this Commonwealth shall, on the first day of May, June, July, August, September, October, November and December in each year, report under oath to the county court of his county the amount of State and county taxes he has collected, together with all fines, forfeitures or money or any other account that shall have been received or collected by him showing in said report the amount collected for and belonging to each particular fund, for which such revenue or money may be intended, and the disposition of such revenue or money collected by him. Said report shall be filed and recorded in a separate book furnished by the county clerk for that purpose, which shall be open for inspection in the of-

fice of the county clerk. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined not less than one hundred dollars nor more than five hundred dollars for each offense.

§ 20. Taxes When Due—Interest and Penalty—All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of June after the assessment, and all taxpayers whose taxes are not paid on the first day of December after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent per annum from the first day of December after they are due until paid; and any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes shall pay a penalty of six per centum additional on the taxes due and unpaid. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

§ 21. Sheriff to Record Payments in Assessment Roll —The sheriff must mark the date of payment of any tax in the assessment book opposite the name of the person paying.

§ 22. Tax Receipt—The sheriff must give a receipt to the person paying any tax, specifying the property against which the tax was assessed, the amount of the assessment and the amount paid.

§ 23. Form of Tax Receipt—The Auditor of Public Accounts shall prescribe the form of and furnish the receipts to be given to taxpayers by the sheriff and they shall be uniform each year throughout the State, and distinguished from year to year by difference in color or design, and shall plainly show the year for which the taxes have been paid and the county in which paid. Provided, that the tax receipts to be used by the sheriff for the payment of local taxes only

on property assessed by the State Tax Commission, the State tax on which is to be paid directly to the State, shall be different in form and color from those for the taxes on other property on which both State and local taxes are collected.

All tax receipts and the stubs thereof shall be numbered consecutively, and charged to the sheriff by said numbers and he shall return to the Auditor of Public Accounts and be credited therewith, all tax receipts not issued at the time that he makes his final settlement with the Auditor. He shall, however, retain the stubs thereto as part of his office records.

§ 24. Payment of Taxes on Single Parcels of Real Estate—The taxes on any particular lot, piece or parcel of land contained in any assessment may be paid separately from the whole assessment, if such lot, piece or parcel has a separate valuation in the assessment roll. The sheriff shall make an entry on the margin of the assessment book, showing what certain property has been released by the payment of the taxes as herein provided, together with the amount of such taxes specifically set forth.

Joint Owner Paying Tax Has Lien—When land owned by two or more persons shall be assessed co-jointly, and any one or more of them shall not pay their portion of the tax, any such owner paying the whole tax, or who shall redeem the whole tract after it has been sold for delinquent taxes, shall have a lien on the delinquent's portion for the tax justly owing by such delinquent, and may sue for and recover the same.

Court Authorized to Apportion Assessment—When two or more persons own land which has been assessed as one tract, any one, or more of them, after partition of the same, and upon ten days' notice to the other owners, may make application to the county court of said county for an apportionment of the assessment; and the said court is hereby authorized to apportion the assessment among the owners according to the value of their respective interests, as shown by the proof introduced by them. If the delinquent taxes are due

on said land, any one or more of said owners may have his portion released therefrom by paying to the officers to whom such delinquent taxes are payable his pro rata share thereof, as ascertained by the judgment of apportionment, and said judgment shall be final, unless an appeal therefrom to the circuit court, which is hereby given jurisdiction, be prosecuted within sixty days from the rendition of the same.

§ 25. Assessment Roll Sole Warrant for Collection of Taxes—The asesssment roll shall constitute the sole warrant for collecting taxes and shall be a sufficient warrant for enforced collection. Any sheriff or other person receiving any money tendered in payment of taxes, except as hereinafter in this act provided, when such taxes are not charged on the assessment roll, shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary for one year. The money so collected shall be recovered under his bond. Provided, however, that whenever, in the performance of his duties, the sheriff shall discover any property subject to taxation that has been omitted from the assessment roll, it shall be his duty to immediately report the property with a description thereof to the county clerk. The county clerk shall at once apply to the county court for an order to assess the property, and on the issuance of order shall immediately enter the property in the roll with a valuation and assessment against it, to be approved by the court, as nearly as may be in conformity to the value and assessment of other similar property, and shall extend the taxes against it. The sheriff shall then collect the taxes. If the person whose property has been assessed in this manner shall be dissatisfied with the valuation placed thereon by the clerk and by the county court, he shall pay the taxes to the sheriff under protest, and having done so may appeal to the State Tax Commission, and the Commission shall fix the value. Pending decision of the appeal, the sheriff shall hold the taxes paid under protest and shall adjust the amount to conform to the decision. If the omitted property which the owner failed to list in the state-

ment which taxpayers are required to file with the district tax commissioner the making of an appeal either to the county court or to the State Tax Commission shall not work any postponement of the application of delinquency penalties. But in all other cases no penalties for delinquency shall apply until ten days after the appeal shall have been decided.

§ 26. Sheriff's Commissions—The sheriffs or tax collectors shall be allowed by the Auditor of Public Accounts the following commissions upon the sums collected or accounted for or paid into the State Treasury in each year: Upon the first five thousand ($5,000) dollars, ten per centum, and upon the residue four per centum. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above commissions, on the Commonwealth's share of the taxes. He shall be allowed by the treasurer of the county ten per centum upon the first five thousand ($5,000) dollars of the county revenue collected and four per centum upon the residue. Provided, That, in no case shall the aggregate annual compensation of the sheriff for all official services exceed five thousand ($5,000) dollars, independent of the compensation of legally authorized deputies and assistants. Provided, further, that in case any city arranges for the collection of city taxes by the sheriff on the basis of the county assessment rolls, the compensation therefor shall not exceed two per centum of the taxes so collected.

Before the county treasurer, any city treasurer or auditor shall allow the commissions provided for in this section, he shall certify to the Auditor of Public Accounts the amounts to be allowed, at the rates provided for in this section, and the Auditor of Public Accounts shall certify back to the county or city treasurers the accounts which shall be paid. In case the fees or commissions allowed under this section, at the rates herein provided for, exceed five thousand dollars ($5,000), the amount to be allowed by the counties, the amount to be allowed by the cities, and the amount to be

allowed by the Commonwealth, in the aggregate of five thousand dollars ($5,000) shall be divided in proportion as the commissions on the county taxes, State taxes and the city taxes bear to the total commissions so computed.

It shall be the duty of the Auditor of Public Accounts to ascertain and determine that the aggregate commission shall not exceed five thousand dollars ($5,000).

§ 27. Tax to Operate as Judgment—Every tax has the effect of a judgment against the person, and every lien created by this act has the force and effect of an execution duly levied against all the property of the delinquent; the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold for the payment thereof.

§ 28. Tax on Personal Property a Lien on Real Estate —Every tax due upon personal property is a lien upon the real property of the owner thereof from and after the first day of September in each year. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements on land assessed to some person other than the owner to the land is a lien upon both the land and the improvements, which liens attach as of the first day of September in each year.

Whenever the owner of land shall, in order to protect his title, pay the taxes upon any improvements situated thereon but assessed to some other person than the owner of the land, he shall have a lien upon said improvements equal to the amount of the taxes paid.

29. Tax Collected From Persons Removing or Concealing Property—It shall be the duty of the sheriff or collector who at any time has reasonable grounds to believe and does believe that any person from whom a tax is due is about to remove his property from the State, county or taxing district or to conceal the same, to immediately collect said taxes as hereinafter provided for the collection of taxes, costs and penalties of delinquent taxpayers.

§ 30. Secured Taxes Not To Be Collected by Summary

Process—Taxes which, in addition of the sheriff, are a lien on real estate of an amount sufficient to secure the full payment thereof with penalties and costs if the tax become delinquent shall not be collected by distraint and sale nor by attachment as provided for in subdivision three of this article. But all other taxes shall, if payment be refused under Section twenty-nine immediately above, or if they become delinquent, be collected by distraint and sale or by attachment. As soon as any taxpayer becomes delinquent, the sheriff or the collector of the county where the property is liable shall distrain sufficient personal property of such delinquent, if found in the county, to satisfy all taxes, interest and penalties due. If a sufficient amount of personal property be not found, then he will levy on a sufficient quantity of the delinquent's land for that purpose. But if no land be found belonging to the delinquent, the sheriff shall levy on any real estate owned by the delinquent at the time of assessment for the taxes or a sufficient amount to satisfy the taxes, cost, and penalties due. If the sheriff makes illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved. A sheriff or tax collector shall sell for cash any property belonging to the delinquent taxpayer so levied upon or as much thereof as will pay the taxes due, penalties, interest and cost and his commission, in the same manner that property is sold under execution, except that the land shall not be valued, and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the courthouse door, and by publication once a week for four consecutive weeks prior to the day of sale in a newspaper of general circulation, if there be one in the county; if not, then by printed hand bills posted for fifteen days before the sale at the courthouse door and in three or more conspicuous places in the taxing district; and he shall, not less than fifteen days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the

time and place of sale and in order to cover the cost of such advertisement and notification, the sheriff or collector shall have one dollar for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the State, county or taxing district.

SUBDIVISION II.

Collection of Taxes by Attachment.

§ 1. Collection of Taxes—Sheriff to Give Notice—If the sheriff, his deputy or other persons having revenue, county levy or other taxes of any character, or other public dues, not secured by real estate, in his hands for collection, believes another person to be indebted in money or property to the person owing taxes or public dues, and believes he cannot otherwise collect the tax, he shall deliver, or cause to be delivered, to the person owing the taxes or public dues, and to the person owing him, anywhere he may be found, written, notice in substance as follows: "Mr. A. B., the taxes due by C. D. amount to the sum of $.....cents. To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the county court of.....county, on the first day of its term, to show cause why you should not be adjudged to pay said taxes. This.....day of....., nineteen..... ....., Sheriff.

§ 2. Effect of Notice—Trial Judgment—Sale of Property—This notice shall be signed by the sheriff, his deputy or by the collector, and shall operate to enjoin the person named in it from paying the amount mentioned in the notice, property, notes, accounts and other things of value, owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the county court. On the hearing by the county court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of

accounts and indebtedness, whether of money, property or labor, owing at the date of the notice, or incurred thereafter. The court shall direct the said debtor to pay or deliver to the sheriff or collector any money, property or other thing then, or at the time notice was served, due said delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid or discharged; and, if it be property, the sheriff shall sell the same, after advertising by handbill posted at the courthouse door for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes.

§ 3. Delinquent Not Released Until Tax Paid—The person owing taxes shall not be discharged from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid.

§ 4. Notice May Include All Persons Indebted—All persons indebted to the person owing taxes may be included in the same notice, though residing out of the county of the sheriff or collector.

§ 5. Docket—How Made Out—Parties—The proceeding shall be docketed in the name of the Commonwealth and, if necessary, to the interest of the Commonwealth, the court may cause other parties to be brought in before it, and be made party to the proceedings.

§ 6. Judgment—Defenses—The court may hear evidence, and, in its judgment, shall provide for the payment of the State revenue, the county levy due, and, if there be other taxes due the court shall direct the payment thereof: Provided, That the delinquent shall have the right to defend by showing, first, that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

SUBDIVISION III.

Collection of Taxes Assessed on the State Assessment Roll.

§ 1. Certain Taxes to be Paid to State Treasurer—All taxes assessed on the State assessment roll shall be paid directly to the State Treasurer.

§ 2. Notice to State Taxpayers—The Auditor of Public Accounts shall each year during the month of January next following the assessment send to each company or person, whose property is assessed on the State assessment roll, an order setting forth the amount of the assessment and the amount of the taxes due and payable and directing the taxpayer to pay the amount to the State Treasurer.

3. State Treasurer to Receipt for Taxes—The State Treasurer upon receipt of any taxes shall send the taxpayer a receipt therefor, and shall send the Auditor of Public Accounts each day a statement showing the amounts paid and by whom, and the Auditor shall mark them paid on the State assessment roll with the date of payment.

§ 4. State Taxes Due When—All of such taxes shall be due and payable on February first next following the assessment and shall be delinquent June first next thereafter, and on that date the same penalties shall attach as are provided for other taxes.

§ 5. Injunction Not to Issue Against State—No injunction shall ever issue in any suit, action or proceeding in any court against the Commonwealth or against any officer thereof to prevent or enjoin the collection of any taxes levied under the provisions of this act relating to property assessed on the State assessment roll; but after payment of the taxes, action may be maintained to recover any tax illegally collected in the manner provided in the next section hereto.

§ 6. Companies May Sue to Recover—How, When—Any company or person claiming to be injured or aggrieved by the assessment of property made by the State Tax Com-

mission may, after having duly presented its or his objections before the Commission as provided for in Section five of subdivision three of Article three of this act, but not if he has failed or neglected so to do, bring action against the State Treasurer for the recovery of any taxes, penalties or costs paid on such assessment. But no such action shall be brought later than six months after the day on which the taxes were due, nor unless such company or person shall have paid the taxes and shall have, on paying the taxes, filed with the Auditor of Public Accounts a written protest, stating whether the whole assessment is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as voluntary. Whenever under the provisions of this section an action is commenced against the State Treasurer, it shall be instituted in the Franklin Circuit Court. The Attorney General shall defend the action. The provisions of the code as to pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes.

Article VII.

Collection of Delinquent Taxes.

Subdivision I.

Delinquent Taxes—General Procedure.

§ 1. Publication of Delinquent Tax List—Within fifteen days after the day on which the unpaid taxes become delinquent the sheriff shall publish the delinquent list. The delinquent list shall contain the names of the delinquent taxpayers in alphabetical order, a description of the delinquent property and the amount of all the taxes, penalties and costs due opposite each name and description of property. For defraying the cost of publication and of preparing the list,

there shall be a charge for costs against each delinquent taxpayer of fifty cents on each assessment and another fifty cents on each one hundred dollars, or fraction thereof, of delinquent taxes. When collected these charges for costs shall be paid into the county treasury and from that treasury, by order of the county court, there shall be paid the sheriff's expenses in preparing the delinquent list and publishing it.

§ 2. Notice of Sale—The sheriff shall append to the delinquent list a notice stating that if the taxes, penalties and costs thereon indicated are not paid within twenty-one days, after the date of publication, the taxes are a lien and will be sold for taxes.

§ 3. Publication Where—The publication must be made once a week for three consecutive weeks in some newspaper, or supplement thereto, published in the county, or if no newspaper be published in the county, then either in some newspaper of general circulation in the county and by posting either the printed or the written list at the county courthouse door. The publication shall be with the lowest bidder after ten days' notice of intention to publish, and bids must be by sealed proposals.

§ 4. Time and Place of Sale—The publication must designate the day and hour when the property will by operation of law be sold for taxes, which must not be less than twenty-one nor more than twenty-eight days after the date of publication. The place of sale shall be the sheriff's office. The sale shall date as of January first in each year, even though actually held at a later date, but no additional penalties, interest or costs shall be required to be paid if the delinquent taxes, the first penalties, and the first costs are paid before the actual sale.

§ 5. Copy of Delinquent List Sent to Auditor and Commission—The sheriff shall file a copy of the publication with the county clerk, send a second copy to the Auditor of Public Accounts, and a third copy to the State Tax Commission, with an affidavit attached to each stating that it is a

true copy, that the publication was made as required by law, and how the publication was made. This affidavit shall be primary evidence of all the facts stated therein. The county clerk shall enter in the assessment roll the penalties and costs against each piece of delinquent property, and shall charge the sheriff with the same.

§ 6. Procedure of the Sale—On the day and hour fixed for the sale all property upon which the taxes are delinquent, or upon which any part of the taxes, penalties and costs have not been paid shall, by operation of law and by declaration of the sheriff, be sold to the Commonwealth. The sheriff shall make an entry "sold to the Commonwealth" on the assessment roll opposite each original entry of the property, the taxes upon which are delinquent, and shall enter the date of sale. He shall be credited by the county clerk in his settlement, with the amount of the taxes, penalties and costs on the property so sold.

Redemption Before Sale—At any time before the hour of the sale any person may pay the taxes, penalties and costs due, and the tax lien shall be thereby relieved. But the payment of the taxes by any person other than the owner or the person rightfully in control of the property, or other than one having a legal claim or interest therein, shall not create any new lien on the property. But any mortgagee, or other person having a legal claim to or interest in the property may pay the taxes to protect his rights, and having done so, may add the amount thereof to his claim. Furthermore, whenever the original taxes amount to the sum of three hundred dollars or more, the sale of the property to the Commonwealth shall not prevent the bringing of suit to recover the taxes and penalties as elsewhere in this Act provided.

§ 7. Notice to Auditor and Commissioner—Immediately on completion of the sale the sheriff shall transmit to the Auditor of Public Accounts and to the State Tax Commission a complete statement with description of all property sold to the Commonwealth for non-payment of taxes. The

statement shall be in such form as the Auditor of Public Accounts shall prescribe, and shall contain a description of the property sufficient to identify it for purpose of conveyance. It shall also state the amount of taxes, penalties, and costs for which the property was sold.

§ 8. Investigation of Cause of Delinquency and State of Property—Immediately upon receipt of the list of property sold to the Commonwealth for delinquent taxes, the State Tax Commission shall direct the district tax commissioner of any county in which any such property is located to investigate and report on the cause of the delinquency, and to search out, if possible, some person having a legal interest in the property and notify such person of the fact of the sale and of his rights of redemption, and shall take such other steps as in its opinion are likely to bring about the payment of the taxes to the end that the public revenue shall not be impaired. If the property be found to be vacant and unused, the original owner unknown, absent, or unable to pay, the Commission may authorize the county court to lease the property to any responsible tenant, who shall pay as rental an amount not less than the annual taxes thereafter levied and assessed.

§ 9. Five Years for Redemption—All property sold to the Commonwealth for non-payment of taxes shall be subject to redemption at any time within five years after the day of sale, which for the purpose of convenience and uniformity in reckoning the period of five years and of computing the interest and additional penalties shall be taken to be January first in each year. Redemption may be made by payment into the county treasury, for the use and benefit of the Commonwealth, the county and other taxing districts where taxes were not paid, of all sums due, including the additional penalties and charges hereinafter provided.

Additional Penalties—In addition to the original taxes, penalties, and costs, the person redeeming the property must pay the following charges and penalties: (1) interest at the

rate of six per cent compounded annually on the entire amount of taxes, penalties, and costs for nonpayment of which the property was sold; (2) penalties at the rate of ten per cent for each year or fraction thereof elapsing before redemption, reckoned upon the original amount of taxes, penalties and costs, for nonpayment of which the property was sold.

Division of Money Recovered—The money received from redemption of delinquent property shall be dicided by paying to the Commonwealth its share of the taxes and that proportion of the penalties and interest which its taxes bear to the whole, and by paying to the county and each other taxing district in like manner its taxes and its proportion of the interest and penalties. The costs shall remain in the county treasury. The county clerk shall on presentation of the tax receipt or on written notice by the sheriff, enter in the assessment roll the fact of redemption, the amount paid, and the date of redemption.

§ 10. Property to be Assessed Each Year—So long as the right of redemption runs, the property sold to the Commonwealth for non-payment of taxes shall be assessed each year in the name of the last owner of record in the same manner as other property is assessed. But under the name of the person to whom the property is assessed shall be entered the words "sold to the Commonwealth January first.....," with the year of sale, or if sold more than once, the years of such sales. The sheriff shall, when accepting the taxes in any subsequent year on property sold for taxes, call the attention of the person so paying to the existing delinquent taxes, penalties and costs unpaid. Should any property not redeemed again become delinquent during the five years after sale, it shall be again sold to the Commonwealth in the same manner as in the first year, and the taxes, penalties and costs for each subsequent delinquency shall run against the property, as well as the original ones.

§ 11. Deed to the Commonwealth—If any property

sold to the Commonwealth be not redeemed within five years from the date of sale to the Commonwealth, the sheriff or his successor in office, must make to the Commonwealth a deed to the property.

This deed shall be in substance and may be in form as follows:

This indenture, made the.....day of .....in the year of our Lord nineteen hundred and....., between....., sheriff of the county of....., in the State of Kentucky, party of the first part, and the Commonwealth of Kentucky, party of the second part. Witnesseth:

That whereas, the real property hereinafter described was duly assessed for taxation, or became subject to a lien for taxes duly levied and assessed, in the year nineteen hundred and....., and was assessed in the name of .....(stating the name on the assessment roll), and was thereafter on the.....day of..... in the year nineteen hundred and....., duly sold to the Commonwealth of Kentucky by..... ....., sheriff of the county of....., for non-payment of delinquent taxes which had been legally levied in the year nineteen hundred and....., and were a lien on the real property, the total amount for which the same was sold being.....dollars..... cents.

And whereas, a period of five years has elapsed since said sale and no person has redeemed the property.

Now, therefore, the party of the first part in consideration of the premises, and in pursuance of the statute in such case made and provided, does hereby grant, convey and transfer to the party of the second part that certain real property in the county of....., State of Kentucky, more particularly described as follows, to-wit:

.....

.....

In witness whereof said party of the first part has hereunto set his hand and name of his office on the day and year first above written.

.....

Sheriff of the County of.....

No charge shall be made by the sheriff for making any such deed and the acknowledgments of such deeds shall be taken by the county clerk free of charge.

All such deeds shall be recorded in the office of the county clerk of the county where the property is situated and the clerk shall make no charge for recording the same.

The Auditor of Public Accounts shall furnish the blank forms for the deeds.

The deed being duly recorded shall be at once forwarded to the Auditor of Public Accounts by the clerk and the Auditor shall acknowledge the receipt of same.

A deed to the Commonwealth having once been issued, no further deed need be made for any subsequent delinquency incurred during the five-year period.

Such deed shall convey to the Commonwealth the fee simple to the real estate, and no mortgage or other interest in or claim to the property shall be valid as against the Commonwealth.

The right of redemption shall cease and determine with the issuance of the above deed. Property deeded to the Commonwealth shall not be assessed while the title still rests in the Commonwealth.

§ 12. No Injunction to Issue Against Collection of Tax —Suit When—No action or proceeding shall be commenced or instituted in any court in this State to enjoin the sale of property for taxes, or to enjoin the collection of any taxes, or for the recovery of any property sold for taxes, or for the recovery of any taxes when paid, unless the plaintiff therein shall have himself complied with the law, and shall have first exhausted all his remedies by complaining to the board of supervisors, and appealing to the State Tax Com-

mission and otherwise as in this Act provided, nor unless he shall have paid the taxes in full and at the time of payment shall have filed with the sheriff or tax collector a written protest stating the grounds of complaint. Such suit must be brought within sixty days after payment of the taxes.

§ 13. Commission to Have Custody—The State Tax Commission shall have custody of and shall administer and superintend all property acquired by the Commonwealth for non-payment of taxes. The Auditor of Public Accounts shall, whenever a deed has been received conveying property to the Commonwealth for non-payment of taxes, at once send the State Tax Commission a copy thereof. The Commission shall on receipt of the copy of the deed, make diligent inquiry through the district tax commissioner as to the condition of the property, its probable value, the reasons for the delinquency having been incurred and continued, if such can be determined, the state of the improvements thereon, and particularly whether there are any trespassers living on or using the property, and all other facts necessary to determine how the property can best be protected and conserved and when and how it may best be sold to the advantage of the Commonwealth and the recovery of the unpaid taxes. It may, if it deems it wise, lease the property pending the sales hereinafter provided for. The rentals shall be paid to the State Treasurer on order of the Auditor of Public Accounts and shall be for the use and benefit of the Commonwealth. The Commission shall take steps to evict any trespassers and to have them punished, by forcible entry and detainer proceedings as provided in the civil code of practice.

§ 14. Sale of Property Deeded to the Commonwealth —The State Tax Commission shall fix a price at which the property may be sold to the first comer at any time within six months after the issue of the deed to the Commonwealth, but such price shall not be less than the assessed value of the property. It shall publish the offer to sell and the price in the same manner as the delinquent list is published. Offers

to purchase shall be made to the county court. The first comer willing and able to pay the price fixed by the Commission shall be entitled to a deed: (1) on payment into the county treasury of the price so fixed for the use and benefit of the Commonwealth; or (2) on payment in cash of an amount equal to all taxes, penalties and costs due and the filing of a bond with the county court with sureties to cover the balance due and binding the would-be purchaser and his sureties to pay the balance within six months of the filing of the bond.

§ 15. Sale by Auction—If no purchaser shall appear within six months from the date of issuance of the deed to the Commonwealth who is willing and able to pay the price fixed by the State Tax Commission as evidence in the manner provided in Section fourteen immediately above, the Commission shall within ten days fix a day and place at which the property shall be sold at public auction to the highest bidder. It shall also fix a minimum, or upset price, which shall be the minimum bid to be considered, and which shall not be less than the total amount of taxes, penalties and costs accumulated and due, including all taxes, assessed and unpaid during the five years allowed for redemption. If no bid be made at the auction, from a responsible bidder able to pay the amount bid, equal to or in excess of the minimum or upset price, the Commission shall order a new sale at public auction within the next six months, and at that time the property shall be sold to the highest bidder. The sheriff shall conduct all such auctions and shall be allowed a fee of one and one-half dollars for each piece of property offered for sale, and a commission of five per cent on the excess received over the amount of taxes, penalties, and costs. Deeds shall be issued and signed by the Auditor of Public Accounts.

§ 16. Division of the Proceeds—Out of any money received from the sale of any property deeded to the Commonwealth for non-payment of taxes there shall first be paid to the county all costs of sale and of advertising the delin-

quency, then to the State, to the county, or to any other taxing district, their respective taxes, together with a proportion of the penalties equal to the proportion of the share of each in the total taxes then the excess, if any, shall be paid to the Commonwealth. If the amount received be not sufficient to pay all taxes, penalties and costs, there shall first be paid the costs, and the remainder shall be divided, as nearly as may be, in proportion to each division of government's share in the taxes. The Auditor of Public Accounts shall make the apportionment provided for in this section.

§ 17. Fiscal Court May Move to Recover Taxes—The county attorney of any county in which any property may in the first instance go delinquent and be sold to the Commonwealth for non-payment of taxes, may of his own initiative search out the owner, mortgagee or other person having a legal interest in the property, and endeavor to bring about the redemption of the property. He may also, after the deed to the Commonwealth has been made, by advertisement or otherwise, call attention to the proposed sale under the authority of the State Tax Commission and endeavor to find a purchaser, all to the end that the State, county and other revenues shall be unimpaired. He shall receive as compensation for his services, twenty per cent of any moneys recovered directly by his efforts.

§ 18. Taxes Over $300 to be Recovered by Action—Each year after the delinquent tax list has been prepared and before the date set for selling the property to the Commonwealth, the district tax commissioner, the sheriff, and the county attorney shall examine the list and make a note of all cases in which the taxes against any one delinquent taxpayer, whether on a single assessment or on several, amount in the aggregate to three hundred dollars or more. The same officers shall then confer as to the probability of the successful collection of any of these taxes by action if they be not paid before the date of sale to the Commonwealth. If two or more of them agree that any such delinquent taxpayer has

property anywhere within the jurisdiction of the Commonwealth of any kind sufficient in their opinion to cover the taxes, penalties and costs, they shall direct the sheriff to notify the Auditor of Public Accounts that in the opinion of the three conferees an action to recover these taxes would probably prove successful and shall send him a certified copy of the entries in the assessment roll and in the delinquent list and of all other records and actions relative to these assessments and taxes. The Auditor of Public Accounts shall thereupon direct the county attorney to bring suit against the delinquent to enforce collection of all State, county or other taxing district taxes. The provisions of the code relating to pleadings, proofs, trials and appeals are hereby made applicable to the proceedings herein provided for. The moneys collected by action shall be divided and distributed in the manner provided in Section sixteen of this subdivision.

The Auditor of Public Accounts shall, however, with the advice and consent of the State Tax Commission, have power to reverse the action of the three conferees and to direct that no suit be brought. In that event, the collection of the taxes shall take the usual course.

SUBDIVISION II.

Collection of Delinquent Taxes on the State Assessment Roll.

§ 1. Taxes When Delinquent—At the close of business on June first in each year all taxes appearing unpaid on the State assessment roll are delinquent. Thereupon the same penalties shall attach as attach in the case of other taxes.

The taxes levied under the provisions of this Act shall constitute a lien upon the property and franchises of every kind and nature belonging to the companies subject to taxation on the State assessment roll, and that a lien shall attach on the first Monday in March of each year. Every tax herein provided for has the effect of a judgment against the com-

pany, and every lien created by this Act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lein removed until all such taxes, penalties and costs are paid, or the property sold for the payment thereof.

§ 2. Proclamation of Delinquency—The Auditor of Public Accounts shall prepare a list of delinquent taxpayers and shall certify the same to the Governor, who shall issue his proclamation, declaring these taxpayers delinquent. The proclamation shall be published by the Secretary of State once each week for three successive weeks in a daily newspaper of general circulation, published at the State Capital, and in one paper of general circulation published in Louiscille, and in one of general circulation published in Lexington. The proclamation shall recite the fact that if these taxes are not paid on or before February first next thereafter action will be commenced to recover the taxes, and shall recite the additional charges and penalties which will be incurred. A charge of fifty cents for each assessment shall be added to the amount due to cover cost of publishing the delinquent list.

§ 3. Attorney General to File Suits—As soon as possible after July first in each year, the Attorney General shall file suits in the Circuit Court of Franklin County against all companies when appearing delinquent, as defendants to recover the amount due the State. Suit shall be brought for the amount of the taxes, penalties and costs due, with interest at six per cent per annum on the entire amount from the first day of June last preceding, together with the following costs: Five dollars for each suit brought together with the actual costs of action to be allowed by the court. The provisions of the code relating to pleadings, proofs, trials and appeals are hereby made applicable to the proceedings herein provided for, and writ of attachment may be issued.

Receivers May Be Appointed—In the case of public utility companies, the seizure and sale of whose property might

result in damage or inconvenience to the public by stoppage of the service, receivers may be appointed by the court to collect the income of such companies until the amount of the judgment be recovered. The State assessment roll shall be prima facie evidence of the amount of the taxes due, and of the validity of the assessment. Invalidity of the assessment cannot be pleaded as a defense in such actions, inasmuch as another remedy has been hereinbefore in this Act provided for persons claiming to be aggrieved or injured by the assessments.

Article VIII.

Bonds of Officers—Penalties Thereunder.

§ 1. Bonds of Officers—Bind to What—The bonds of all officers mentioned in this Act shall bind them and their sureties for the faithful performance of their duties and for all moneys which shall come to their hands by virtue or color of their offices, and the strict accounting of all moneys due by them to the State, or other taxing districts, and for the correctness of all ammounts claimed and collected by them as commissions or compensation for their services.

§ 2. Penalty—How Enforced—Whenever any penalty is provided for in this Act it may, unless otherwise specially stated, be enforced either by indictment in the circuit court of the county or by action in any court having competent jurisdiction.

§ 3. Penalty When Not Prescribed—When no other penalty is mentioned for a failure to do an act or the doing of an act forbidden or required by this Act, the penalty in all such cases shall not be less than ten nor more than five hundred dollars.

§ 4. Officer Not to Retain Fee—No officer named in this Act shall retain any part of the compensation allowed his deputy or deputies longer than thirty days. Any officer violating the provisions of this section shall be deemed guilty

of a misdemeanor, and, on conviction, be fined not less than five hundred dollars for each offense.

§ 5. Penalties for Failure of Duty by Deputy Tax Commissioner—The deputy tax commissioner shall, for any failure of his duty under the law, where no other penalty is provided, be fined in any sum not less than twenty-five dollars nor more than fifty dollars.

§ 6. Remedy for Non-performance of Duty by Officer—Anyone injured by failure in or the improper performance of the duties of the deputy tax commissioner or sheriff, shall have a remedy on his official bond, and the criterion of his recovery shall be the value of the property lost by reason of such failure. No such action shall be maintained unless such person shall allege and prove that he made diligent efforts to have such property assessed, and offered to pay the taxes thereon, and on all other real property of his liable to assessment.

§ 7. Clerk Failing to Pay Redemption Money—Penalty—If any clerk shall fail to pay the redemption money to the person entitled thereto upon demand, he and his sureties shall be liable for the same and twenty per cent interest thereon annually from the time he received it until paid.

§ 8. Selling Twice—Penalty—If any sheriff or collector shall knowingly sell the same tract or parcel of land, or any personal property, more than once for the same tax, he shall be fined one hundred dollars, and be liable upon his official bond for all damages which may be sustained by any party aggrieved.

§ 9. County Attorney to Prosecute—The county attorney shall prosecute under the preceding sections, and he shall receive for his services twenty-five per cent of the fine recovered.

ARTICLE IX.

§ 1. The following section of Carroll's Statutes of Kentucky, Edition of 1909, are hereby repealed. Section 4019 to and including 4054; Sections 4056 to and including 4076a; Sections 4077 to and including 4114; Sections 4115 to and including 4168; Sections 4239 to and including 4241; Sections 4258 to and including 4281. The following Acts are also repealed: An Act entitled "An Act to amend and re-enact Section 32, Article 2, Chapter 22, of an Act entitled, 'An Act relating to revenue and taxation,' which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said section as amended," approved March 7, 1910; (2) An Act entitled: "An Act to amend Sections one and four of Article 17, of an Act of the General Assembly of Kentucky, approved March 15, 1906, entitled, 'An Act relating to Revenue and Taxation,'" approved March 18, 1912; (3) An Act entitled: "An Act amending an Act relative to Revenue and Taxation; approved March 15, 1906," approved March 19, 1912; (4) "An Act entitled: 'An Act to amend Section 4143 of the Kentucky Statutes,'" approved March 12, 1912; (5) An Act entitled: "An Act limiting the time in which the enforcement of tax titles and tax liens may be effected," approved March 12, 1912.

§ 2. Nothing in this Act shall be construed as invalidating any tax levied, or which should have been levied or any assessment of property for purposes of taxation made or which should have been made prior to the passage of this Act nor as suspending the collection or in any way changing the mode of collection of any such tax or of any tax which became a lien on any property prior to the passage of this Act. All taxes to be levied and assessed as of the first of September, 1913, and all taxes to be collected for the fiscal year ending June 30th, 1914, shall be levied, assessed and collected under the laws in force prior to the passage of this Act. Insofar as any such taxes, assessments, collections or

any tax lien, are concerned, all laws relative thereto in force prior to the passage of this Act, shall be deemed of full force and effect until said taxes to be paid thereunder shall have been paid, or the property subject thereto shall have been sold for the non-payment of said taxes. Nor shall anything in this Act be construed as invalidating or suspending any provision of the law in force prior to the passage of this Act providing for the retrospective assessment of any property for purposes of taxation which should have been assessed prior to the passage of this Act. Nor shall the provisions of this Act be construed as applying to any suit or action now pending in any court and affecting the validity of any tax. Should the assessment or levy of any tax levied under the laws, in force prior to the passage of this Act, be held to be invalid on account of any failure of any assessing or taxing official to comply with the requirements of the statutes, said property shall be re-assessed by the proper officers under the provisions of the law as they existed prior to the passage of this Act.

The Committee on Revenue and Taxation offered the following amendment by way of substitute therefor to said bill.

Said amendment by way of substitute reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

PROPERTY SUBJECT TO TAXATION AND GENERAL PROVISIONS.

§ 1. State Tax Levy.—An annual tax of 50 cents upon each one hundred dollars of value of all property directed to be assessed for taxation as hereinafter provided, shall be paid by the owner, person, or corporation assessed. The aggre-

gate amount of tax realized by all assessments shall be for the following purposes: 21½ cents for the ordinary expenses of the Government, 26 cents for the support of the common schools, 2 cents for the use of the Sinking Fund, ½ of one cent for the Agricultural and Mechanical College, as now provided by law by an act, entitled "An Act for the benefit of the Agricultural and Mechanical College, now State University, approved April 29, 1880; including the necessary traveling expenses of all pupils of the State entitled to free tuition in such college, and who continue students for a period of ten months, unless unavoidably prevented."

§ 2. Property Subject to Taxation.—All property within the jurisdiction of or having a taxable situs in this State, not exempt by law, shall be subject to taxation.

§ 3. Lien on Property for Taxes Due State, County, Town.—The Commonwealth, and each county, incorporated city, town, or taxing district, shall have a lien on the property assessed for the taxes due them respectively, which shall not be defeated by gift, devise, sale, alienation, or any means whatever, unless the gift, devise, sale, or alienation shall have been made for more than five years before the institution of proceedings to enforce the lien, and nothing shall be exempt from levy and sale for taxes and cost incident to the sale. When any lands, or improvements, or personal property shall not be assessed in any one year, it may be assessed retrospectively in the manner provided for by law, for that year, at any time not later than five years thereafter. The lien thereby accrued shall not prejudice the rights of purchasers acquired in the meantime. A tax levied and assessed upon personal property shall also create a lien on any real estate situated in the same county and owned at the time such assessment was made by the person to whom the personal property was assessed.

§ 4. Definitions.—For purposes of taxation, the following definitions shall rule:

First. Property.—The term "Property" includes all real estate and all personal property.

Second. Real Estate.—The term "real estate" includes: (1) all land; (2) all improvements upon land; (3) all mines, petroleum and gas wells, minerals, and quarries in or under the land; (4) all standing trees; (5) all rights appertaining to the land, to the improvements, to mines, petroleum and gas wells, minerals, quarries and to standing trees.

Third. Improvements.—The term "improvements" includes: all buildings, structures, walls, fences, ditches, drains, shafts, tunnels, borings, and any other things erected upon or affixed to the land.

Fourth. Personal Property.—The term "personal property" includes everthing capable of private ownership not included in real estate, whether tangible or intangible, and includes all franchises of every class and description of corporations.

Fifth. Situs of Land.—Land shall be assessed in the county in which it lies, without reference to conflicting titles.

Sixth. Situs of Tangible Personal Property.—The taxable situs of tangible personal property shall, except as otherwise specifically provided by law, be determined as follows:

(a) Goods, Wares and Merchandise.—Goods, wares, merchandise, capital employed in busines, and stock in trade, except ships or vessels, and stock employed in the business of manufacturing or of the mechanic arts in counties, cities, or towns in this State, other than those in which the owners reside, whether such owners reside within or without the State, shall be taxed in the counties, cities, or other taxing districts in which the owners hire or occupy manufactories, stores, hotels, or offices, shops, or wharves. Vessels plying on the high seas, or in the waters of the United States, whose owners reside in this State shall have their situs at the place of residence of their owners.

(b) Machinery—Machinery employed in any branch of manufactuers, and all personal property within the State leased for profit shall be assessed where located on the day set by law for the assessment.

(c). Horses, Cattle, etc.—Horses, mules, cattle, sheep, and swine, kept throughout the year in counties, cities or towns other than those in which the owner resides, whether such owner resides within or without the State shall be assessed to the owner in the place where they are kept.

(d.) Other Tangible Personal Property.—All other tangible personal property shall be assessed where the owner, or his agent, or representative, in whose custody the property may be, resides within this State.

Seventh. Situs of Intangible Personal Property.—The taxable situs of intangible personal property when such property consists of privileges, contracts, or other rights, or other intangible personal property, used, exercised, or enjoyed in connection with or appertaining to any real estate or to any tangible property, shall, except as otherwise specifically provided by law, be the same as the situs of the real estate or tangible personal property in connection with which the intangible personal property is used exercised, or enjoyed, or to which it appertains.

The taxable situs of all other intangible personal property, shall be the place of residence of the owner, including notes secured by lien or mortgage.

Eighth. Property Within the Jurisdiction of State.—Property within the jurisdiction of the State includes all real estate within the State, all tangible personal property within the State, and all tangible property, rights, or privileges exercised in this State, or created by the laws of this State.

Ninth.—Value.—The term "value" means the fair cash value of the taxable property, and shall be estimated at the price which the property would bring at a fair voluntary sale.

§ 5. Respective Duties of Holders of Equitable and Legal Title.—Fiduciaries.—The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property on the day when the assessment is made, shall be liable for taxes thereon; but as between themselves it should be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment.

Provided, however, That an administrator, executor, trustee, committee, curator, or agent residing in the State shall not be liable for taxes on intangible personal property, where the real or beneficial owner of such intangible personal property, held by them or any of them, resides outside of the State; but this exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the non-resident legatee or beneficiary is set apart to him or before said legatee is entitled to be paid his share.

§ 6. Property Exempt From Taxation.—The following property is exempt from taxation: Public property used for public purposes; property exempt under the laws of the United States; places actually used for religious worship, with the grounds attached thereto, and used and appurtenant to the house of worship, not exceeding one-half acre in the cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit; institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by

the minister of any religion with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country appurtenant thereto; household goods or other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made and in the hands of the producer.

§ 7. Shares in Certain Corporations Not to Be Listed.—The individual stockholders of any corporation which reports and pays taxes upon all of its property which is in this State, including its corporate and special franchises, whether that property be assessed locally or by the State Tax Commission, shall not be required to list their shares of stock in such corporation. The provisions of this section shall extend to individual shareholders in banks and trust companies whose shares are to be listed by and the taxes thereon paid by the banks and trust companies or by the officers thereof, on behalf of the shareholders.

Article II.

The State Tax Commission and Assessors.

Subdivision I.

Membership and Organization of the State Tax Commission.

§ 1. State Tax Commission, Membership.—There shall be a State Tax Commission composed of three commissioners, electors of the State, not less than thirty years of age, not more than two of whom at any one time shall be of the same political party.

§ 2. Appointment and Term.—The three commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate. The three persons first to compose the Commission shall be appointed on or before the fourth day of March, 1914, or as soon after passage of this act as may be feasible, and, if possible, prior to the final ad-

journment of the Legislature at this session. Of the three persons first appointed, one shall be appointed and designated to serve for a term ending on the fourth day of March, 1916, one for a term ending on the first day of March, 1917, and one for a term ending on the first day of March, 1918. Each of said terms shall begin upon the qualification of the person appointed therefor. Upon the expiration of the terms of the three commissioners first to be appointed, as aforesaid, each succeeding commissioner shall be appointed and hold his office for the term of four years, and each commissioner shall hold his office until his successor shall have been appointed and has qualified. The commissioners shall be eligible for reappointment. They shall, during their term of office reside at the State Capital. No person having been appointed and having served as a member of the Tax Commission shall be eligible for any elective office in this State for a period of two years after he ceased to serve as commissioner.

§ 3. The Governor may at any time remove any commissioner for inefficiency, neglect of duty, malfeasance in office, political activities, or continued il-health incapacitating him for the performance of his duties, but, before removal, the commissioner shall be furnished with a copy of the charges against him, and have an opportunity to be heard in defense.

§ 4. Entire Time to Service.—Each commissioner and each employee of the State Tax Commission shall devote his entire time to the duties of his office, and shall not hold any other position of trust or profit, or engage in any other occupation or business, or serve on or under any committee of any political party during his incumbency of the office.

Political Activity Forbidden.—Any commissioner or employee of the commission who shall engage in political activity, or who shall in any manner contribute or cause to be contributed, money or any other thing of value to any person for election purposes, or who shall influence or attempt to influence any person politically, or any legislation through

the instrumentality of his office or position, except as otherwise in this Act specifically provided, shall be removed from office or postion by the Governor, if the guilty party be a member of the Commission, or by the Commission if an employe, but before removal, such person shall be furnished with a copy of such charges against him and have an opportunity to be heard in defense. Any person wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than fifty dollars, nor more than one thousand dollars for each offense.

§ 5. Salary.—Each Commissioner shall receive a salary of five thousand dollars per annum, payable monthly as other State salaries are paid.

§ 6. Officers and Employes.—The Commissioners shall elect one of their number as chairman, and the State Tax Commission is authorized to employ a secretary, appraisers, experts, clerks bookkeepers, stenographers and other assistants and to fix their compensation. The salary of the secretary shall not exceed two thousand dollars per annum and the aggregate expense for the central office force of clerks, bookkeepers, and stenographers shall not exceed three thousand dollars pr annum. The commissioners, secretary, appraisers, experts, clerks, bookkeepers, stenographers, and other assistants that may be employed, shall be entitled to receive from the State their actual and necessary expenses when traveling on business of the Commission. Such expenses shall be submitted in an itemized claim sworn to by the person who incurred the expense, and the claim must be approved by the Commission.

The aggregate expenses for appraisers, and experts, and for traveling expenses shall not exceed five thousand dollars per annum; provided, however, that in any year in which there is to be made a quadrennial appraisement of real estate as hereinafter in this Act provided, the commission may, with the consent of the Governor, anticipate the allowance for one

or more succeeding years, and may use unexpended balances of previous years, but in no case shall the expenditures for this purpose exceed an average of five thousand dollars per annum for any four-year period.

§ 7. Quorum.—A majority of the Commission shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the Commission so long as a majority remains. Any investigation, inquiry, or hearing, which the Commission is authorized to hold or undertake, may be held by or before any one member of the Commission, and any decision or order made pursuant thereto shall, if approved and confirmed by the Commission, as shown on the records of the Commission, be deemed the decision or order of the Commission.

§ 8. Seal.—The State Tax Commission shall have an official seal with the words "The Tax Commission of Kentucky" and such other design as the commissioners may prescribe engraved thereon, by which it shall authenticate its orders and proceedings.

§ 9. Office Rooms, Etc.—The custodian of public buildings shall assign to the State Tax Commission suitable quarters in the Capitol Building and shall provide the necessary office furniture. The Commission may purchase the necessary supplies, books, periodicals, and maps. All necessary expense shall be audited and paid as other expenses are audited and paid.

§ 10. Sessions—The Commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public. The Commission shall keep a record of its proceedings, which shall be a public record. The Commission may hold sessions at any place within the State. Provided, however, that sessions at which information required to be kept confidential

by Sub-division 2, Section 4, of this Article, would be disclosed and records of such information shall not be open to the public.

SUBDIVISION II.

POWERS AND DUTIES OF THE COMMISSION.

§ 1. General Duties.—The State Tax Commission shall have general supervision of the entire system of taxation throughout the State, both State and local, including the license taxes and the inheritance tax.

§ 2. State Assessments.—The State Tax Commission shall exercise all the powers and perform all the duties with reference to the assessment or equalization of the assessments of property for purposes of taxation heretofore exercised or performed by any State Board of Valuation and Assessment, by the Railroad Commission, by the State Board of Equalization, or by any other State board or commission, or State officer, except the Insurance Department in the office of the Auditor of Public Accounts. And all such powers and duties are hereby transferred to the State Tax Commission to be exercised and performed exclusively by it. It shall exercise such further powers with reference to State taxes and assessments by State authority as may be conferred upon it by law. It shall be the duty of the Attorney General, when requested by the State Tax Commission, to attend the meetings of the Commission and advise with the same in its proceedings.

Provided, that until the first of January, 1916, the Auditor, Treasurer and Secretary of State, who, under the provisions of Section 4077 of Carroll's Statutes of Ky., edition of 1909, constituted the Board of Valuation and Assessment, shall be associated with the members of the State Tax Commission, provided for in Subdivision 1 of this Article, for the purpose of making the assessments of the franchises and

other classes of property heretofore assessed by said Board of Valuation and Assessment. For this purpose, and for said period of time, the said six officers shall exercise the same powers and perform the same duties as are provided in this Act to be exercised by and performed by the commissioners.

§ 3. Special Duties.—It shall further specifically be the duty of the State Tax Commission, and it shall have power and authority:

(1) Rules.—To prescribe rules for its own government and for the transaction of its business. To keep a record of all its proceedings.

(2) Oaths.—Each commissioner and the secretary of the Commission is empowered to administer and certify oaths.

(3) Forms—To make out, prepare, and enforce the use of all forms in relation to the assessment of property, collection of taxes, and revenues in this State, the printing and binding being executed by the public printing contractor for first class work.

(4) Witnesses.—To summon witnesses to appear and give testimony, and to produce records, books, papers and documents relating to any matter which the Commission shall have power to investigate or determine.

(5) Examination of Books.—To examine the books, accounts, and papers of the individuals, partnerships, companies, associations, and corporations required by law to report to the Commission, or to send its representative or agent to examine the same, when in the judgment of the Commission such an examination be necessary for the purposes of assessment and taxation of such individual, partnership, company, association or corporation.

(6) Supervision of Assessors.—To have and to exercise general supervision over the local administration of the assessment and tax laws of the State, and over the performance of their duties by assessors, or by the successors to their

duties, that is to say, by the county tax commissioners hereinafter in this Act provided for, by boards of supervisors, county clerks, sheriffs, and other county or district officers, so far as the duties of such officers pertain to the public revenues, State or local, all to the end that all assessments of property be made relatively just and equal at true value, and in compliance with law, and that all taxes, licenses, inheritance taxes, and other public charges levied by law shall be duly and fully assessed and collected according to law.

Assessments for Municipal Purposes.—Provided, that whenever any municipality shall elect to have the assessment of property within its jurisdiction, and for purposes of city taxation, made by the State Tax Commission and its deputies, as elsewhere in this Act provided for, then the authority of this Commission shall extend over the making of the assessments of the property in such municipality, for municipal purposes.

(7) Conferences.—To confer with, advise and direct assessing officers, boards of supervisors and other county or taxing district officers as to their duties relative to taxation under the law.

(8) Prosecutions.—To direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officers, administering the tax laws of the State and of all persons, officers or agents of corporations, or others required by law to make returns of taxable property for failure or neglect to comply with the provisions of the tax law; and to cause complaints to be made against assessors, boards of supervisors, and other officers, whose duties concern taxation, to any court of competent jurisdiction for their removal from office for official misconduct or neglect of duty.

(9) Commonwealth Attorneys to Assist.—To require the Commonwealth attorneys and county attorneys to assist in the commencement and prosecution of actions and pro-

ceedings instituted as provided in paragraph (8) immediately above.

(10) Reports to be Collected.—To require reports from county, district, and city officers relative to the assessment of property, collection of taxes, licenses and other revenues, the expenditures of public money and such other information as may be needful to the work of the Commission, in such form and on such blanks as the Commission may prescribe.

(11) Reassessment.—To order a reassessment of property or of any class of property in any county or taxing district, when in the judgment of the Commission such property has not been assessed at its true value to the end that all property in such county or taxing district shall be assessed in compliance with the law.

(12) Visit Counties.—To visit the counties in the State, when in their opinion it is necessary for the investigation of the work and the methods adopted by local assessors, boards of supervisors, and other taxing officials, in the assessment, equalization, and taxation of property.

(13) Convention of County Tax Commissioners.—It shall be the duty of the State Tax Commission to arrange for an annual conference for the County Tax Commissioners at some centrally located place, for systematic instruction in finding, and in the fair and just valuation and assessment of every kind of property subject to taxation under this Act, and as to their practical duties at every step in connection therewith, said conference to continue not more than four days. It shall be the duty of each County Tax Commissioner to attend and take part in such conference unless prevented by illness, or for other reasons satisfactory to the official conducting the conference. Any County Tax Commissioner wilfully failing to attend the conference may be removed from office by the Circuit Court of the county wherein he was elected. It shall be the duty of each Fiscal Court to pay acutal and necessary expenses of its County Tax Commis-

sioners in attending such conferences, upon duly attested certificates of the State Tax Commission, of actual attendance during the entire period for which the conference is held, and that the charges are reasonable.

(14) To inquire into the provisions of the laws of other states and jurisdiction regarding jurisdictions and situs of property for purposes of taxation; to confer with tax commissioners of other states regarding the most effectual and equitable methods of assessment, and particularly regarding the best methods of reaching all property, and avoiding conflicts and duplication of taxation of the same property, and to recommend to the Legislature such measures as will tend to bring about uniformity of methods of assessment and harmony and co-operation between the different states and jurisdictions in matters of taxation.

(15) Violation of Tax Law.—To carefully examine into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein the existing laws are defective or improperly or negligently administered, and to take such steps as may be necessary to correct the same.

(16) Confer with Governor.—To consult and confer with the Governor upon the subject of taxation and the administration of the laws in relation thereto and the progress of the work of the Commission and to furnish the Governor from time to time with such assistance and information thereon as he may require.

(17) Report of Commission.—To transmit to the Governor, for transmission to the Legislature, at least thirty days before the meeting of the Legislature, a report showing in statistical form the taxable property in the State, the taxes thereon and such other matters relating to revenues and taxation as shall be deemed of interest and value, with discussion and explanation thereof, together with recommendations for the improvement of the system of taxation in the State, and

measures for the consideration of the Legislature. Copies of this report shall be printed for information of the Assembly.

(18) To extend, but not by more than thirty days, the time when any assessor or board of supervisors shall complete his or its work on the assessment roll.

§ 4. Information Confidential.—It shall be unlawful for any Commissioner or ex-commissioner, the secretary of the Commission, or any other employee or agent of the Commission, to divulge any information acquired by him in respect to the transactions, property, or business of any company, firm, corporation, person, association, co-partnership, or public utility, while in the performance of his duties under this Act. Any violation of the provision of this section shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both at the discretion of the court or the jury, and the guilty person shall be disqualified from office or employment in the Commission. Provided, however, that the Governor may at any time, by written order, direct that any information herein referred to shall be made public or laid before any court, and in that event it shall not be unlawful to divulge or make known the same. And, provided further, that this prohibition does not extend to any matters required by law to be entered upon any assessment book or roll.

Subdivision III.

County Tax Commissioners.

§ 1. Powers of County Assessor Transferred to the County Tax Commissioner.—The office of county assessor is hereby abolished under the provisions of Section 104 of the Constitution and the present incumbents shall be made County Tax Commissioners as provided in Section three immediately hereafter. There hereby transferred to the State Tax Commission and the County Tax Commissioners all the powers

and duties heretofore exercised by, or performed by the county assessors, in so far as such powers and duties are not changed by law. The County Tax Commissioners and their deputies shall exercise and perform such other powers and duties as may be imposed upon them by law, or by the orders of the State Tax Commission.

§ 2. Appointment and Election of County Tax Commissioners.—The Governor shall, immediately upon the passage of this Act, appoint all of those persons who were duly elected as county assessors in November, 1913, to be County Tax Commissioners in and for the counties in which they were elected. The term of office of such County Tax Commissioners shall be equal to the term of office for which they were elected county assessors. Thereafter such County Tax Commissioners shall be elected as assessors are now elected by law subject to the qualifications provided for in this Act, except that the County Tax Commissioners shall be eligible for re-election.

Penalty for Failure to Qualify.—Any person appointed a County Tax Commissioner, who shall wilfully fail to accept the office and discharge the duties thereof, shall be fined five hundred dollars. Each County Tax Commissioner herein provided for may, with the approval of the State Tax Commissioner, appoint as many sober, discreet, capable persons, not under the age of twenty-four years, as deputies, to assist him in the discharge of his duties, as the State Tax Commission may deem necessary, and may remove them at his pleasure. The County Tax Commissioner and his deputies shall read and administer the oath required to be taken by persons whose property is required to be listed for taxation.

The County Tax Commissioner and his deputies, before they enter upon the duties of the office, shall, in addition to the oath prescribed by the Constitution, take the following oath:

Oath.—"I do swear that I will administer to every person listing property of any description the oath prescribed by

law, and fix the value of all property to be listed by me at its fair cash value, estimated at the price it would bring at a fair voluntary sale, without favor or partiality; and I will diligently search and inquire so that no person shall be passed over, or shall fail to have an opportunity to give a list of his taxable property, and that I will truly report all persons who shall fail or refuse to list their taxable property, after being duly called on by me for that purpose, or who have given in a false or fraudulent list, so help me, God."

Bond.—The County Tax Commissioner shall at the same time execute a bond to the Commonwealth, with good surety, to be approved by the County Court for the faithful discharge of the duties of his office, which bond shall be filed in the office of, and kept safely by, the clerk of the County Court, and on which the County Tax Commissioner and his sureties shall be liable for any violation of the duties of his office, by himself or any of his deputies. Action may be instituted on it by the Commonwealth or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained.

Work to Begin When.—The County Tax Commissioner shall commence the duties of his office on the first day of September in each year, and he shall assess the property in his county by justice's districts, in separate books, and he shall also make a separate book or books for each incorporated city, town, or taxing district (except school districts) of his county, by wards or other subdivisions, as convenience may require.

Vacancies, How Filled.—In case any person who was elected county assessor or county tax commissioner shall fail to qualify, or after qualifying as county tax commissioner shall die, resign, or be removed from office during his term of office, the vacancy shall be temporarily filled by the county court until his successor shall have been elected as provided by law. The county tax commissioners herein provided for

shall, subject to the direction, instruction and supervision of the State tax commission, make the assessment of all property within their counties, except as otherwise provided for, prepare the assessment books, and perform such other duties as may be imposed upon them by law. Any county tax commissioner may be removed from office by the circuit court of the county wherein he was elected, upon petition of the State tax commission or any taxpayer for wilful disobedience of any just or legal order of the State tax commission, or for misfeasance or malfeasance in office, or wilful neglect in the discharge of his official duties, but such officer or petitioner shall have the right to appeal to the Court of Appeals.

§ 3. Compensation of County Tax Commissioners.—The county tax commissioner shall, after he has returned his tax book and the same has been corrected by the board of supervisors, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his tax book thus corrected; and if said court upon investigation, finds said account to be correct, it shall certify to the Auditor the amount due to the county tax commissioner for the services required of him by law, which shall be based on the total value of the assessment made by him as above required, as follows: Four cents on the one hundred dollars of the first million and one and one-quarter cents on each one hundred dollars of the excess over one million, but no county tax commissioner shall be entitled to receive more than three thousand dollars for his services during any year, except in counties containing a city of the first class, in which the salary shall not exceed four thousand dollars. In counties in which the assessed value of property exceeds thirty-eight million dollars, the county tax commissioner shall be allowed, as compensation to deputies appointed and qualified, the sum of one thousand five hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of thirty-eight million

dollars. In counties where the assessment does not exceed one million dollars, the county tax commissioner shall be paid four and one-half cents on the one hundred dollars of the entire property listed.

County Tax Commissioner's Claim to be Verified— Penalty.—Before the county court shall grant such certificate of allowance, the county tax commissioner and his deputies, if any, shall, in open court, make and file the following affidavit, subscribed and sworn to by them before the clerk of the county court, viz.: "I do swear that I have not received from any person a list of taxable property and returned the same until the person rendering the list has made oath to the truth of the same; and I do further swear that I have, in no instance, assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale."

Any county tax commissioner or deputy who shall make affidavit, knowing the same to be false in any particular, shall be deemed guilty of false swearing, and, on conviction, be punished accordingly.

Deduction for Failure to do Duty—Payment of County Tax Commissioner.—A reduction of fifty cents shall be made from the county tax commissioner's compensation for each list he shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his warrant on the State Treasury for eighty per cent. of such allowance, and shall draw his warrnat on the Treasurer for the remainder due the county tax commissioner, as herein provided, after the October session of the fiscal court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property, so far as is known to him, who were omitted by the deputy tax commissioner; also the names of any persons duplicated by the deputy tax commissioner. The report of the sheriff shall be

certified by the county clerk to the Auditor, that the deductions may be made from the county tax commissioner's claim as herein provided.

§ 4. Examination of Candidates for the Office of County Tax Commissioners.—Before any person's names shall be placed upon the ballot at any primary or regular election as a candidate for the office of county tax commissioner, he shall hold a certificate from the State tax commission that he has been examined by them, and that he is qualified for the office. Within ninety days before any primary or general election at which county tax commissioners are to be elected or nominated, the State tax commission shall arrange for examinations to be held to determine the qualifications of persons who may be candidates for the office of county tax commissioner. Such examinations shall be held at the office of the State Tax Commission in Frankfort, Kentucky, or at other places in the State, if the State Tax Commission so designate. Before said examinations are held, the State Tax Commission shall, for at least four weeks publish in some newspaper of general circulation in this State, a notice showing the time and place at which such examinations shall be held, and such examinations shall be open to any qualified elector of the State. The examination shall take into consideration the candidate's experience as an assessor, his knowledge of the revenue laws, his knowledge of the geography of the county in which he expects to be a candidate, his knowledge of the industries and property of such county, his general education and business experience and his physicial fitness to fill the office. The State Tax Commission shall determine in advance of the examination, the credits to be allowed for experience, knowledge of the revenue laws and for each other qualification, and shall publish same at the same time the notices are published as above provided for. On the basis of these examinations, candidates shall be graded, and no candidate shall be issued a certificate unless he makes a credit

of at least seventy-five per cent. The State Tax Commission shall issue to persons passing this examination a certificate of their fitness and qualification to fill the office of county tax commissioner; provided, however, that the provisions of this section shall not be held to apply to the appointments of county tax commissioners made prior to the year 1917.

Office Rooms.—The fiscal court of each county, or whatever body shall take over the powers of the fiscal court in any county, shall provide for the county tax commissioner a suitable office room or rooms, when possible in the county court house, or when that is not possible, in some other building, together with suitable furniture, in which office shall be safely kept the books, maps, taxpayers' lists, papers and all other records pertaining to the assessment of property within that county, except when any such books or records are required by law to be placed in the custody of other officers. The provisions of Section 1197 of Carroll's Statutes, ninth edition, 1909, are hereby extended to cover these public records.

Article III.

Assessment of Property.

Subdivision I.

General Provisions.

§ 1. All taxable property, except such as is by law required to be assessed by the State Tax Commission, shall be assessed by the county tax commissioners or their deputies in the county in which it has its situs.

§ 2. Assessments to be at Full Cash Value.—All taxable property must be assessed at its full cash value.

§ 3. Land and Improvements to be Separately Assessed. —Land and the improvements thereon shall be separately listed and assessed. Cultivated and uncultivated land, of the same quality and similarly situated, shall be assessed at the same value.

§ 4. Date of Assessment.—All taxable property shall be assessed and valued as of the first of September in each year, except that a complete revaluation and equalization of land and improvements shall be made but once in four years. The first quadrennial revaluation of land and improvements shall be made as of the first day of September in the year 1917, and thereafter once every four years. The provisions of this act relative to the quadrennial assessment of land and improvements shall be suspended for the assessment to be made as of the first day of September, 1914, 1915 and 1916.

§ 5. Annual Assessment Roll.—A new assessment roll shall be made in each county each year. In the years when a complete revaluation of land and improvements is not to be made, the county tax commissioner shall revise the previous assessment roll as to lands and improvements by adding the assessment of new improvements, removing the assessment of improvements destroyed, by entering the names of new owners and entering all new subdivisions of lands. But he shall value lands and old improvements at the same rates as may be fixed at the time of the quadrennial valuation. All taxable personal property shall be assessed and valued by him each year and entered in the assessment roll.

§ 6. Fiscal Court to Provide Tax Maps.—The fiscal court of each county, or whatever body may take over the powers thereof in any county, shall, on or before January 1, 1917, provide the county tax commissioner with a complete and accurate map of the county, showing, in such form, on such scale and in such detail, as the State Tax Commission shall prescribe, all land within the county and the division thereof into tracts, farms, city and town lots, or otherwise, also all streams, roads, ponds over four acres, lakes, street railroads and such other physical features, property boundary lines and other matters, as the Commission shall prescribe. This map shall be known as the county tax map. The expense of making this map in the first instance shall be borne

equally by the county and the State. And any contract for the making of such maps entered into by the fiscal courts shall be subject to the approval of the State Tax Commission.

Up-keep of Tax Maps.—It shall be the duty of the county tax commissioner to revise this map from time to time, to make new copies when necessary, and to keep the same up to date, clean, legible, and in good condition, and the expenses connected with the revision and up-keep of the county tax maps shall be paid as the original making of the map in the first instance. It shall be the duty of the State Tax Commission to prepare the specifications for these county tax maps, and to transmit them to the fiscal courts. If the fiscal courts of any county fail or neglect to provide a county tax map, the State Tax Commission shall cause one to be made, and one-half of the cost of making the map shall be collected from the county in the same manner that other valid claims against the county may be collected.

§ 7. Use of Tax Map—Liability of County Tax Commissioner.—After the completion of the tax maps, the county tax commissioner shall use the county tax map to check the accuracy and completeness of his assessment roll. He shall enter upon his assessment roll every piece of taxable land shown upon the map. He shall be liable under his bond for the taxes, State and county, which should have been collected upon any and every piece of land shown upon the map and not entered in the assessment roll.

§ 8. Description of Lands.—Lands shall be described in the assessment roll by general boundaries, or in counties which have been divided into sections by the United States land survey, by section number and the customarily recognized fractional subdivisions thereof. But lands may be described by reference to numbers or letters on plats or maps on file in office of the county court clerk, or on the county tax maps. The State Tax Commission shall fix and authorize abbrevia-

tions which shall be used in the description of lands, but which shall be sufficient to clearly idnetify the lands described.

§ 9. Real Estate Assessed to Owner if Known.—Real estate shall be assessed to the last ascertainable owner of record of the first freehold estate therein, and may be assessed to "unknown owners," if none be ascertainable. No error in the name of the owner shall invalidate the assessment, nor shall any error in the description of the property invalidate the assessment, provided the description be suffiicient to identify the property intended to be assessed.

§ 10. County Clerk tó Certify Conveyances, etc.—Each county court clerk shall, on or before the first day of September of each year, make out and certify to the county tax commissioner in such form and in such detail as the State Tax Coommission shall prescribe, a complete statement of all conveyances of lands, mortgages or other liens upon lands and other obligations for money due or to be paid. The statements shall show distinctly the dates of execution of the conveyances, or contracts, the dates of execution and of maturity of notes and other evidences of indebtedness; the consideration therefor; the date of filing or recording; the amount thereof; and the name and county of residence of the owner, payee, beneficial holder thereof or other person or corporation liable for taxes thereon; and such other matters or things as shall be ordered by the State Tax Commission. Said statements shall be made to each county tax commissioner of the State of such notes or other evidences of indebtedness as may be owned or held by persons or corporations residing, or having their principal place of business, in the county of such deputy tax commissioner. No mortgage, conveyance or other instrument of writing constituting a lien or other security for any note or other evidence of indebtedness shall be received for record by any county clerk of this Commonwealth, unless such mortgage, conveyance, or other writing, give the county and State of the residence and post office address of the per-

son or corporation owning or holding said note or other evidence of indebtedness. Should there be an assignment of such note or other evidence of indebtedness, of record in the clerk's office, the assignment shall state the county and State of the residence and postoffice address of the assignee; unless any assignment is made of record, the original holder or owner shall be liable for taxes as though no assignment had been made. No conveyance of land shall be received for record by any county clerk in this Commonwealth unless such conveyance recites in full the actual consideration therefor. Any person who shall knowingly and intentionally give false of fictitious address or name in any such instrument or assignment, as above mentioned, or other than the true consideration in any conveyance shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than ten dollars nor more than one thousand dollars. Each statement made by the county clerk, as herein required, shall cover a period of one year next prior to the date such statement is required to be made. Said statement shall be sworn to by the clerk before some person authorized to administer oaths as a full and complete statement of said facts. For his services in making such statements, the clerk shall be paid a reasonable compensation by the fiscal court of his respective county; said statement shall be returned by the various county tax commisioners, with their tax books, schedules and list of conveyances, to the county clerks of their respective counties for the use of the boards of supervisors. Any county clerk failing to perform his duties under this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered by warrant or indictment. Nothing herein shall be construed to affect the validity of any instrument or assignment.

§ 11. Taxpayer's Statement.—To aid him in making the assessment, the county tax commissioner shall each year exact from each person a list or statement, under oath, setting forth

specifically all the real estate and personal property owned by such person, or in his possession, or under his control, on the first day of September, and the situs of such taxable property. This list or statement shall be in writing, or in printing and writing, in such form and detail as the State Tax Commission shall from time to time prescribe, and shall show all property belonging to, claimed by or in the possession or under the control or management of the person making the list or statement, whether such person be an individual, a firm, association, company, or corporation.

Lands and Improvements to be Separately Valued.—In prescribing the form for the list or statement to be exacted from each person, the State Tax Commission shall provide for the separate listing of lands, whether in tracts or city and town lots, and of improvements, in the classes specified in section four of article one of this act, and in such other classes as the State Tax Commission shall deem necessary. The list or statement shall contain an exact description of all lands in parcels or subdivisions as required in section eight of subdivision one of article three of this act. The list shall also contain all personal property of each person in such classes as the State Tax Commission shall prescribe, and shall show specifically all taxable bonds; stocks; notes; accounts; credits; cash; the number of thoroughbred and common horses, of each sex and age; mules; assess; cattle; sheep; swine; agricultural implements and machinery; other tools and machinery; wagons; carriages; automobiles; other vehicles; safes; household furniture; musical instruments; manuafctured articles; raw materials for manufacturers; paintings; books; jewelry, diamonds and other precious stones; watches; silverware; steam engines; steamboats and other water craft; patent rights; wines, whiskies, brandies and other liquors; stocks of goods, wares and merchandise, and such other matters and things as the State Tax Commission shall prescribe.

§ 12. Penalty for Refusal to File Statement.—If any person, after demand made by the assessor, neglects or refuses to give, under oath, the statement provided for in section eleven of subdivision one, article three, of this act, immediately before this section, or to comply with the requirements of the law, the county tax commissioner must note the refusal on the assessment book, opposite the name of such person, and must make an estimate of the value of the taxable property of such person. At the close of the assessment the county tax commissioner shall transmit to the board of supervisors in each county and to the State Tax Commission a verified report in writing, separate from the assessment roll, containing a complete list of all persons who refuse or neglect to furnish a statement of their property as in this act provided, or to comply with the requirements of this act, together with the amount of the assessment upon the property of such persons, with a statement of the facts, if any, upon which the assessment was made, and the valuation of the property so assessed ascertained. Such assessments shall be called for convenience "arbitrary assessments," but they shall be made as fairly and equitably as possible in the best judgment of the county tax commissioner. No board of supervisors, nor the State Tax Commission, may reduce any arbitrary assessment, but may raise the same, if found to be too low, to such amount as may be deemed just. Any excessive tax resulting from an arbitrary assessment is hereby declared to be imposed as a penalty for an unlawful act, and if not paid or collected as are other taxes, may, together with the proper tax, be collected as are other fines and penalties. Should any person neglecting or refusing in any one year to give the statement herein required, neglect or refuse to do so the next succeeding year, the arbitrary assessment for the second year shall be double that of the preceding year, and the doubling shall continue each year thereafter until a satisfactory statement shall be rendered. Provided, however

that no arbitrary assessment shall be made upon lands, nor at the time of the quadrennial assessment of lands and improvements shall any arbitrary assessment be made upon improvements, it being the duty of the county tax commissioner, the board of supervisors and the State Tax Commission, with or without the taxpayer's statement, to find and value all lands and the improvements thereon at the time of the quadrennial assessment. And provided, further, that if the owner of any property found by the county tax commissioner be absent or unknown, the county tax commissioner must make an estimate of the value of such property, which shall not be deemed an arbitrary assessment, and which may, on proper showing, be lowered by a board of equalization.

§ 13. Penalty for Fraud.—Any property wilfully concealed, removed, transferred or misrepresented by the owner, or agent thereof, to evade taxation, must upon discovery be assessed at three times its value.

§ 14. Double Taxation of Property Not Assessed the Year Before.—Any property discovered by the county tax commissioner to have escaped taxation the preceding year, if such property is in the ownership or under the control of the same person who owned or controlled it the preceding year, may be assessed at double its value.

§ 15. Roll Books to be Provided.—Before the first day of September of each year, the State Tax Commission shall deliver to each county clerk of this State for the use of the county tax commissioners, a sufficient number of assessment roll books, and the necessary blank schedules or taxpayers' lists, for the assessment of all property, real and personal, with the affidavit attached thereto to be signed and sworn to by the person returning the list.

§ 16. Itemized List.—The form of the list or statement shall provide a place for the entry of the value of each item of property listed. The person listing his property may enter his estimate of the value thereof. But the estimate of value

entered by the person listing the property shall not be binding on the county tax commissioner, nor on any board of equalization, nor on the State Tax Commission, except in cases where value affords the sole appropriate description of the property, and even in such cases the right of the taxing officials to question the accuracy of the statement as to the amount thereof is reserved.

§ 17. Taxpayer's Oath.—The form of the taxpayer's oath shall be substantially as follows:

"I, ..., a resident of ..... county, do swear that the above list contains a full and correct statement of all property subject to taxation, owned by me, in my possession or under my control on the first day of September last; and that I have not, in any manner whatsoever, concealed, transferred or disposed of any property, or placed any property out of the county, or of my possession for the purpose of avoiding any assessment upon the same or of making this statement."

§ 18. County Tax Commissioner May Examine Under Oath.—The county tax commissioner and his deputies shall be authorized to examine persons under oath as to their property, and as to the value thereof, to examine their books and papers to ascertain the amount and value of such property. The information obtained from the taxpayers' lists or statements, or as provided in this section, except in so far as it may afterwards appear on the assessment roll or book, shall be deemed confidential and all the provisions of section four in subdivision two of article two of this act shall apply to county tax commissioners and their deputies as they do to the commissioners and to their employees, except that it shall be lawful to submit this information to any board of supervisors and to the State Tax Commission. Any person failing or refusing to permit any county tax commissioner or deputy to make such examination shall be subject to a fine

in any sum not exceeding five hundred dollars, to be recovered by warrant or indictment.

§ 19. County Tax Commissioner to Fix Value.—The county tax commissioner shall, from his own knowledge, from the statement of the person listing the property and such other information as he may be able to obtain, fix the value upon all taxable property. But the State Tax Commission may direct the use, solely for purposes of uniformity, in ascertaining the fair cash values of standard or basing values per unit of land measurements for the valuation of real estate as hereinafter in this act provided. The State Tax Commission may further classify personal property and, for the same purposes, may direct the use of standard values for each unit of count or measurement of each class. It may especially, and each year, classify and grade all horse kind, mules, assess, cattle, sheep, swine and poultry and fix a value per unit for each class or grade, and in like manner classify, grade and value grain, tobacco, hemp, and any other kinds of personal property capable of such classification and fairly uniform in value throughout the State and widely distributed. The county tax commissioners shall follow these standard values, except when the use thereof for any reason shall result in inequality.

§ 20. Preparation of the Assessment Books.—The county tax commissioners must prepare each year an assessment book or books for each county in the form and manner to be provided by the State Tax Commission. He shall prepare the book or books for each county according to justice's districts, incorporated cities, towns and taxing districts therein. Where two or more books are used, each book shall be numbered in sequence and described in such manner on title page and cover as to clearly indicate the taxing district or districts or portions of the county contained therein, and each book shall contain, near the front page and before the assessment entries, a complete list of all the books constituting the assess-

ment roll of the county and showing its place in the series of books. Assessments may be entered alphabetically or in any convenient geographical sequence, but in the latter case there shall be prepared either at the end of the last book after all the assessment entries, or in a separate book, a complete alphabetical list or index of all the persons assessed, with proper reference to the page or pages of the book or books in which the assessments are entered. Clerical or other errors or omissions in the index shall in no wise affect the validity of any assessment. At the close of each book, except the last in sequence, there shall be a statement showing the number and description of the next book in order, and in the last book a statement that the roll ends here. All blank spaces and pages in any book upon which no assessment entries are made shall be ruled or marked off, so as to clearly show the fact that the entries are completed or that they are continued on subsequent pages and upon which pages.

The assessment roll shall show under appropriate headings and columns, as prescribed by the State Tax Commission, the following items and such others as may be from time to time prescribed by the State Tax Commission:

(1) The name and postoffice address, if known, of the person to whom the property is assessed.

(2) Lands described as in this act provided.

(3) Improvements on land.

(4) All personal property in such detail as the State Tax Commission shall prescribe, but failure to enumerate personal property in detail shall not invalidate any assessment, provided that the total amount in value assessed against each person is shown.

(5) The cash value of each item assessed.

(6) Franchises, railroad property and all other property assessed by the State Tax Commission and assigned or apportioned to the county and other local districts and the value thereof assessed.

(7) The taxing district in which the property is assessed.

(8) The total value of all property assessed against each person.

(9) The sum totals of all lines and columns.

(10) The assessment books shall also contain appropriate columns for the entry of the rates of taxes levied upon the property and for the extension of the taxes levied upon the property of each person, but these columns shall not be filled in by the county tax commissioner but by the county clerk, as hereinafter in this act provided.

Entries shall be made with ink, and may be made in writing, or by writing and printing, by rubber stamp or other device. Values shall be in figures. All entries shall be fair, neat and legible. No erasures, either by rubbing, knife, or chemical, or other means, shall be permitted on the assessment roll or book, but errors may be corrected in such manner as to show clearly the original erroneous entries and the correct entries, and such corrections shall be explained in the margin and signed by the person making them, and the corrections so made, if made by an authorized official, shall be valid as if they were original entries.

§ 21. Illegal Entries in Assessment Books.—No person, save the county tax commissioner, his deputies, and other officials expressly required by law so to do, shall make any entry, correction or alteration in the assessment books or rolls. Any person illegally making such entry, correction or alteration or mutilating the assessment books or rolls shall be guilty of a felony, and punished by imprisonment in the State penitentiary from one to five years.

§ 22. County Tax Commissioner's Oath.—On or before the first day of January in each year, the county tax commissioner shall complete the assessment rolls, and he and his deputies must take and subscribe an affidavit in the assessment books to be substantially as follows:

"I, ..., county tax commissioner for the county of ..... do swear that, between the first day of September and the first day of January, in the year of our Lord nineteen hundred and..... .....I have made diligent inquiry and examination to ascertain all the property within the county of..... .....(or within the subdivision thereof assessed by me, as the case may be), subject to assessment by me, and that the same has been assessed on the assessment book or books, equally and uniformly, according to the best of my judgment, information and belief, at its true value, and that I have faithfully complied with all the duties imposed on the county tax commissioner under the revenue laws; and that I have not imposed any unjust or double assessment through malice or ill-will or otherwise; nor allowed anyone to escape a just and equal assessment through favor or reward, or otherwise; so help me, God." But failure to take or subscribe to such an affidavit, or any affidavit, shall not in any manner affect the validity of any assessment.

§ 23. Books to be Delivered to County Clerk.—As soon as completed, the assessment book or books, together with the maps, records, statements, and copies of any orders of the State Tax Commision, used or followed in making the assessment, must be delivered into the custody of the county clerk for the use of the board of supervisors. Until the day set for the hearings before the board of supervisors, as hereinafter in this act provided, the books shall be open to the inspection of all persons interested. Provided, that the State Tax Commission may for good cause shown extend, but not by more than thirty days, the time for completing the roll of any county.

§ 24. County Tax Commissioner's Report to Commission.—On completion of the assessment rolls in his county the county tax commissioner shall at once forward to the

State Tax Commission a report, in such detail and form as the Commission shall prescribe, of his assessments.

§ 25. Penalty—Every county tax commissioner who fails to complete his assessment rolls, or fails to transmit the report mentioned in the preceding section, shall forfeit the sum of one thousand dollars, to be recovered on his official bond, for the use of the Commonwealth, in an action brought in the name of the Commonwealth by the Attorney General, when directed to do so by the State Tax Commission.

§ 26. Names of Purchasers—How Entered.—Lands once described in the assessment book need not be described a second time, but any person claiming the same desiring to be assessed therefor, may have his name inserted with that of the person to whom such land is assessed.

27. Property in Two Counties.—Property lying in two or more counties shall be assessed, as nearly as may be, in each county in that proportion which the part in each county bears to the whole. Ferries and toll bridges connecting two counties, other than warehouses, wharves or other appurtenances in each county, together with the franchises thereof, shall be assessed one-half in each county. Where property lies in two counties, the two county tax commissioners shall confer as to and determine the value.

§ 28. Property Discovered to be in Other Counties.—Any county tax commissioner obtaining in any way information concerning property taxable in some other county shall at once notify the county tax commissioner of that county and send him a description of the property, the name and address of the owner and any other facts pertinent to the assessment. A duplicate of such notice shall be sent to the State Tax Commission. For this service the county tax commissioner shall be allowed fifty cents for each parcel of property so reported and assessed.

29. Assessment Roll the Warrant for the Collection of Taxes.—The assessment roll or book shall be the sole warrant

for the collection of State and county taxes, and of district taxes to be collected by the sheriff as hereinafter provided and covered into the county treasury, and may be the warrant for the collection of municipal taxes, as hereinafter in this act provided.

§ 30. Copies for Cities.—Cities and towns desiring to have their taxes collected on the basis of the county assessments may, with the consent and approval of the State Tax Commission, obtain copies of the assessment roll. Such copies shall be certified to by the county tax commissioner or his deputy. The city or town requesting the copy shall pay into the State Treasury a sum equal to five cents per folio of one hundred words or figures. The money so paid is hereby appropriated to pay the expenses of copying the rolls at such rates not exceeding five cents per folio as the State Tax Commission shall allow, and shall be kept in a separate fund to be known as the "city assessment roll fund," and shall be paid out by the Auditor of Public Accounts on order of the State Tax Commission in the same manner as other payments are made of State money.

Subdivision II.

Quadrennial Revaluation of Real Estate.

Duties of State Tax Commission and of County Tax Commissioners.

§ 1. Real Estate Revalued Only Once in Four Years.—Once every four years the valuation and assessment of real estate shall be thoroughly revised and corrected. The values fixed at that time shall be used, unchanged, except as otherwise provided by law, as the assessed values of the real estate during the three succeeding years. The first quadrennial assessment shall be made as of September first in the year 1917. Provided, that, whenever the State Tax Commission shall determine that the value of real estate in any dis-

trict or county or city or town has changed materially during the interval between the regular quadrennial revaluation of real estate herein provided for, the Commission may order a revaluation and assessment of such real estate to be made, and such revaluation shall be made at the time of the regular annual assessment of all property.

§ 2. Rules and Standard Values, Agricultural Lands.—The State Tax Commission shall formulate rules and issue instructions to county tax commissioners as to the manner in which the quadrennial revaluation of real estate is to be made. It may cause the county tax commissioners to assemble in convention for discussion and instruction.

The State Tax Commission may, for the purpose of obtaining uniformity of valuation for agricultural and other guidance of county tax commissioners. The Commission tracts of land, denominate grades or classes of land, and may, if it deem it expedient to do so, fix standard values for the may, before any quadrennial assessment of real estate, cause its rules, grades, classes or standard values to be published, and public hearing as to the reasonableness of the rules, grades, classes, or values may be held in different parts of the State.

Rules and Basing Values, City Lands.—The State Tax Commission may likewise prescribe general rules, or fix "basing values," for the purpose of securing a uniform valulation of the city and town lots. These rules and standard values, or "basing values," may be published and the Commission may hold public hearings for discussion of the rules and standard values within each city.

Rules and Standard Values, Improvements.—The State Tax Commission may, if it deem it expedient, fix rules and standard values for different kinds and classes of improvements, both in the country and in cities, all to the sole end that assessments shall be uniform and equal at the true value of the lands and improvements. It shall have power to en-

force its rules and standard values, and to require them to be followed by all county tax commissioners and their deputies.

§ 3. County Tax Commissioners to Search Out Values.—The county tax commissioners shall, prior to the making of the first quadrennial revaluation of real estate, diligently examine the real estate within their counties and ascertain its value. They shall search out, through all available sources of information, the acutal consideration paid when real estate is conveyed from one person to another. They shall ascertain the appraisements made of real estate in the case of estates passing under the inheritance laws, or appraisements made under condemnation proceedings, or for any other purpose. They shall examine, if deemed necessary, under oath, any real estate dealers, brokers, agents or other persons having knowledge of real estate values. They shall inquire into the rentals paid for real estate under lease and may demand and examine the lease contracts. They shall inquire into the products obtained from different classes of lands and the values and costs thereof. They shall make such further inquiries as the State Tax Commission shall prescribe. They shall keep a record in their own office of all the facts and of the information obtained, as above provided, and shall transmit copies of these records to the State Tax Commission.

§ 4. County Tax Commissioners to Keep Records of Values.—Preparatory to each subsequent quadrennial revalulation of real estate after the first, the county tax commissioners shall continue the above investigations into real estate values all throughout the ensuing years between the revaluations and shall search out all evidences of changing values. They shall revise their records and send copies of the changes to the State Tax Commission.

§ 5. County Tax Commissioners to fix Values.—Upon the basis of the information obtained by them, and in accordance with any instructions issued by the State Tax Com-

mission, the district tax commissioners shall fix the values of real estate and enter the same in their assessment rolls. The values so determined and entered shall be subject to review and equalization by the county boards of supervisors as hereinafter in this act provided, and by the State Tax Commission, and when so reviewed and equalized, shall be the assessed values for the ensuing four years, unless in the meanwhile the State Tax Commission shall have ordered a new revaluation of real estate to be made.

Subdivision III.

Assessments by the State Tax Commission.

§ 1. Property Assessed by State Tax Commission.—Every corporation organized under the laws of Kentucky whether doing business in this State or not, and every corporation organized under the laws of Kentucky, whether doing business in this State or not, and every corporation organized under the laws of any other State or country, doing business in Kentucky, except religious, benevolent, and other associations, not organized for profit, whose property is exempt under the Constitution of this State, is hereby declared to possess a taxable franchise, and said franchise is property subject to taxation as any other property under the provisions of this act. But the franchises of banks anl trust companies, are hereby declared to be covered by and included in the assessment of the shares of stock elsewhere in this act provided for, and shall not be again assessed and taxed, and the franchises and privileges of insurance companies, which are hereby declared to be covered by subdivisions two and four, article 13, of chapter 22, of the Acts of 1906, relating to revenue and taxation and not by the provisions of this act, shall not be again assessed and taxed.

All franchises; all property of railroads, including interurban and street railways, whether tangible or intangible; the shares of stock in all banks and trust companies; all prop-

erties, tangible and intangible, of railroad bridge companies; all property, tangible and intangible, of turnpike companies; all property, tangible and intangible, of all telephone and telegraph companies, of all car companies, of all express companies, of all oil pipe line companies, of all gas companies, of all electric light companies, of all electric power companies, of all press dispatch companies, and also of all other corporations, companies, or associations, partnerships, firms or individuals, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, whenever any of them have property lying in two or more counties; the franchises, but not the tangible property of public utilities operating in only one county; and all distilled spirits in bonded warehouses shall be assessed by the State Tax Commission acting as a central Board of Valuation and Assessment.

The assessments so made shall be entered on a State assessment roll, hereinafter provided for, and shall also be apportioned by the State Tax Commission to the counties, cities and other taxing districts where the property is located and entered on the county, city and other assessment rolls. The State taxes thereon shall be paid directly to the State Treasurer upon order of the Auditor of Public Accounts, all local taxes thereon shall be paid as other local taxes are paid. No other assessment for general or local taxation shall be made on property of this kind.

§ 2. Reports to State Tax Commission.—For the purpose of aiding the State Tax Commission in making these assessments, every corporation, company, or person owning or having control of any of the property named in section one of this subdivision including franchises and tangible property, shall file with the Commission a report in such form and in such detail as the Commission shall prescribe. These reports, except as otherwise specifically provided, shall be due September first, and delinquent ten days thereafter in each year.

The reports from the different classes of taxpayers herein required to report shall contain the following information and such other information as the State Tax Commission shall deem necessary. The Commission shall prescribe the form of the report and may provide different forms for different classes of corporations and companies, and shall furnish printed blank forms for the making of the report.

(1) Reports on Franchises.—Every railway company or corporation, and guarantee or security company, gas company, water company, pipe line company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace car company, dining car company, sleeping car company, chair car company, steamboat company and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, also every corporation organized under the laws of Kentucky, whether doing business in this State or not, and every corporation organized under the laws of any other State or country and doing business in Kentucky, except banks and trust companies, and insurance companies elsewhere in this Act provided for, whose franchises are hereby declared to be covered by the taxes otherwise computed; and except, further, religious, benevolent and other corporations not organized for profit, whose property is exempt under the constitution of this State, and including further every person, firm, partnership or association exercising, or possessed of the right to exercise, any special or exclusive privilege or franchise granted by the Commonwealth, or by any county, city or other governmental authority, or performing any public service, shall, in addition to the taxes imposed on its tangible property by law, annually pay a tax on its franchise to

the State and a local tax to the county, incorporated city, town or taxing district where its franchise may be exercised and shall file with the State Tax Commission a report on its special franchises and on its corporate franchise setting forth the following facts as of September first in the year for which the report is made, or for the year ending September 1st as the case may be, viz.: the name and principal place of business; the State or country under the laws of which it is organized; the name and postoffice address of its officers or agents in this State, and the name and postoffice address of the officer or agent who is charged with the duty of paying taxes; the kind of business engaged in; the number and par value of the shares of capital stock, perferred or common, authorized; the number of shares of capital stock issued and outstanding; theamount paid thereon in cash and the amount paid in in property or other considerations; the highest price at which any such stock has been sold or transferred by the company or by any stockholder at a bona fide sale within twelve months preceding the first day of September in the year in which the statement is made; or if no sale has been made, the amount at which any bona fide offer of sale or of purchase was made; the amount of surplus funds and undivided profits and the value of all other assets; the amount of all indebtedness, showing separately the bonded debt, mortgages, notes and all unsecured or other indebtedness; the gross receipts and the net income, from all sources for twelve months, next preceding September first in the year in which the statement is made; the expenses incurred for the same period; the amount, kind and true cash value of all tangible property taxable in this State, and where situated and assessed, or liable to assessment; the amount and true value of all non-taxable property owned; the assessed value of all property, other than franchise, owned on the first day of September, whether acquired since assessment or assessed in the name of the company or person reporting as assessed on the last completed State or

county assessment roll; and any and all facts which the State Tax Commission shall require.

Interstate Companies.—In the case of corporations or companies doing business in this State and in other States, except railroad companies, telegraph and telephone companies, car companies, express companies, and all other companies doing a public service, each company shall report the total amount of business done both within and without this State and the amount done within this State, also what proportion, as nearly as may be ascertained, of its aggregate capital is invested and used within this State, what proportion of its employees are employed within the State, and how many agents or business correspondents it has within this State.

Railroad and Other Companies to Report Additional Items.—Railroad companies, telegraph and telephone companies, car companies, express companies, pipe line companies, and all other companies doing a public service, and doing business both within this State and in other States, shall, in addition, report the length of the entire lines owned and operated both within and without the State, and the length of the said lines within the State; also, the length of the lines owned, but not operated and by whom operated, both within and without the State; also the length of the lines operated but not owned, and by whom owned, within and without the State; also the length of the lines owned and operated, owned but not operated, and operated but not owned, in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes, in this State.

Net and Gross Receipts.—They shall also report the gross and net receipts within and without the State, including among the receipts within this State that proportion of the receipts from interstate business reasonably attributed to this State. The gross receipts attributable to this State shall

include the receipts from business beginning and ending in this State, and that proportion of the receipts from interstate business, which the mileage of the roads, lines, or routes, over which such interstate busines is done within this State, bears to the total mileage over which such business is done.

(2) Railroads to Report On Physical Property.—Railroad Companies operating within the State, including interurban and street railways, shall, in addition to the facts required concerning the franchises, report the following facts concerning the physical property:

a. The whole number of miles of railway owned and operated in the State, and, where the line is partly within and partly without the State, the whole number of miles within and the whole number of miles without, owned and operated by the company reporting;

b. The whole number of miles owned but not operated, and by whom owned, both within and without the State.

c. The whole number of miles operated but not owned, and by whom owned, both within and without the State.

In regard to lines owned but not operated, or operated but not owned, a statement showing who under the terms of the lease or otherwise operating is responsible for, or will assume, the payment of the taxes which may become a lien on the property.

d. The number of miles of right of way, showing separately that used and unused, in this Satte, and in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes, in this State, showing separtely, also, the right of way for main line, and that for spurs, wyes, sidings, and other track appurtenances and width of all rights of way with a general description thereof.

e. A description of the road bed, rails, bridges, of any double track, of spurs, wyes, sidings and other track appurtenances; of signal systems, telegraph lines, telephones, and

other appliances for communication; of any terminal facilities within this State; all by convenient or by recognized divisions, lines, or sections of the road, and by political subdivisions of this State, together with the value thereof per mile of rights of way in each political subdivision of this State.

f. The depot grounds and buildings, other lands and buildings, or structures, all section houses, barns, warehouses, packing houses, elevators, and other structures on or off the right of way, and the value thereof in each political subdivision of this State.

g. The number, kind, and value of all rolling stock owned or hired and used on the entire system operated, and the proportion thereof used within the State, together with the value of each kind and class used on the entire system and of such used within this State.

Statement To Be Filed But Once.—Whenever a complete statement of the above items, (a) to (g) inclusive, has once been filed to the satisfaction of the State Tax Commission, no annual restatement thereof need be filed thereafter unless required by the Commission, but all changes which may be necessary to keep the statement up to date and true for each succeeding year, shall be reported annually.

(3) Other Public Utilities to Report Tangible Property.—All telephone and telegraph companies, all car companies, all express companies, all oil pipe line companies, all gas companies, all electric light companies, all electric power companies, all press dispatch companies, and also all other corporations, companies, or associations, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service whenever any of said companies have property lying in two or more counties, shall report, in addition to the report above provided for, all their tangible property in such form and in such detail as the State Tax Commission shall prescribe, including all rights of way, poles, wires, pipes, conduits, cables,

switchboards, telephone and telegraph instruments, batteries, generators and other electrical appliances, all exchange and other buildings and lands, canals, tunnels, ditches, flumes, aqueducts, dams, reservoirs, water sources and water rights, transformers, substations, gas holders, gas and electric generators, meters, gas and electrical appliances, oil tanks, power plants, pumping plants, pipe lines, power houses, cars, and other rolling stock, trucks, wagons, horses, harnesses, and safes, and all other physical, tangible and intangible property of every sort and description. And all such companies, shall further, upon the demand of the State Tax Commission, furnish any map or other descriptions of its properties which said Tax Commission may require.

(4) Local Officials to Report Boundaries of Districts.—The State Tax Commission may require any State, county, city or town, or district officials having knowledge of the same to file a statement or a map showing where any railroad or other public utility crosses the boundary when entering or leaving their counties, cities, towns or district, and upon application of any railroad or other public utility shall furnish such railroad or other public utility with a copy thereof.

(5) Banks and Report What.—It shall be the duty of the president, cashier or other chief officer of each bank or trust company, organized under the laws of this State, or unler the laws of the United States, or of any other State or country and located in this State, to make and deliver to the State Tax Commission a verified statement, in such form and detail as the State Tax Commission shall prescribe, showing the following facts:

The name and post office address of the bank or trust company; the name of the president, cashier and directors and their post office addresses; the number of shares of the capital stock and the par value thereof; the amount paid in on the capital stock; the amount of the surplus and of the undivided profits; the market value of each share of stock; the

amount and value of all real estate situated in this Commonwealth, held and owned by the bank or trust company and the assessed value thereof; all the assets and liabilities; the loans and deposits; and such other information as the State Tax Commission shall require. The items shall all be reported as of the close of business on the first day of September or on the nearest business day thereto. Provided, that in each year when there is to be a revaluation of real estate affecting any real estate owned by any bank, that bank may postpone reporting the assessed value of such real estate until the revaluation shall have been completed, but it must, in the report above provided for, state the true value of, and give a description of the real estate.

(6) Railroad Bridge Companies to Report.—Railroad bridge companies shall report, in addition to the information required in the report on their franchises, the following information concerning their tangible property. The location of the bridges, a description of the structure, and of all rights of way leading thereto, all other real estate owned, including all buildings and structures, all machinery and all personal property, the railroad companies using the bridge or bridges and the terms of such use, and such other items as the State Tax Commission shall prescribe.

(7) Turnpike Companies to Report.—Every turnpike company shall, in addition to the report required on the franchise, make a report on the tangible property, showing the whole length of the road, the length of the road in each county, the width of the right of way, all real estate owned, all buildings or other structures, machinery and tools and such other matters and things as the State Tax Commission shall require.

(8) Reports on Spirits.—Every owner or proprietor, whether a corporation, a partnership, or other, of a distillery bonded warehouse in which distilled spirits are stored shall, between the first day of September and the first day of Octo-

ber of each year, report the quantity and kind of spirits in such warehouse on the first day of September in the year in which the statement is required to be made, the dates when the spirits were made, the county, city town or taxing district in which the warehouse is situated, whether or not the United States Government tax has been paid thereon, if not, the date of expiration of the bonded period, the fair cash value of the spirits, estimated at the price it would bring at a fair voluntary sale, and such other facts as the State Tax Commission may require.

§ 3. Verification.—All statements or reports, required under section two above, shall be verified. In the case of a corporation, the verification shall be by the president, cashier, secretary, treasurer, manager, resident agent, or some other chief and responsible officer, receiver, assignee, trustee, administrator, executor or other person in control, whose affidavit shall be satisfactory to the State Tax Commission. In the case of individuals, firms or partnerships, by the owner or a member of the firm or partnership.

§ 4. Assessment, How Made in Case of Failure to Report.—If any company or person, required to make the report provided for in section two of this subdivision, shall, after demand therefor, fail or refuse to furnish the State Tax Commission, within the time prescribed in this Act, the verified report required to be made, the Commission shall make a note of such failure in the assessment roll of the State hereinafter in this Act provided for, and shall make an estimate, from the best information it can obtain, of all matters and things required to be reported, and shall make an assessment of the franchises, shares, or other property to be assessed. This assessment shall be known, for convenience as an arbitrary assessment, but shall be as fair and equitable as possible. The Commission shall send notice of this assessment to the last known post office address of the company or person assessed and shall allow the company or person ten

days in which to show cause why the assessment should not be final. After a lapse of ten days the assessment shall be final, unless cause for correction be shown.

Penalty for Failure to Report.—If in any succeeding year the company or person again fail or refuse to report, the same procedure shall be followed, and a penalty equal to the tax shall be added thereto to be collected in the same manner as the tax is collected. For each subsequent failure, the tax and penalty shall be an amount equal to the tax plus twice the penalties imposed the preceding year.

Company's Penalties.—Any company wilfully failing or refusing to make and furnish any report prescribed in this Act, or rendering a false or fraudulent report, shall be guilty of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each offense.

Officers' Penalties.—Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this Act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or to be imprisoned not exceeding one year in the county jail of the county where said report was verified, or in the county where the State Tax Commission's principal office is located, or be subject to both said fine and imprisonment, at the discretion of the jury.

§ 5. How Franchises Are To Be Assessed.—In making the assessment of franchises, the State Tax Commission shall, from the reports of the companies and persons required to be filed, as provided in this subdivision, or from any other available sources of information, fix the value of the aggregate capital stock employed by the company or person within this State, whether such capital stock be represented only by the shares of common or of preferred capital stock in the

narrower sense of the term "capital stock," or also by bonds, notes, or other securities used to obtain funds, or capital stock in the broader sense of that term, used in the conduct of the business.

Determination of Capital Stock.—In thus determining the value of the aggregate capital stock, the State Tax Commission may consider the prices at which the shares of capital stock, the bonds or other securities were sold or transferred, or at which they have been quoted for sale or purchase. It may also consider the earnings of the company available for dividends, the interest promised and that being paid, or available to be paid, upon bonds, and all other profits or receipts. It may consider also any other related facts pertinent to a determination of the true value of the aggregate capital stock. It shall specially consider the fact of incorporation, the ownership, enjoyment, or exercise of any special privileges, patents, or other rights, and the existence of contracts and business agreements and business connections and other similar factors, contributing to the value of the aggregate capital stock.

Interstate Business of Non-utility Companies.—In the case of corporations or companies other than railroads, telephone and telegraph companies, car companies, express companies, pipe line companies, and other public service companies doing business in other states as well as in this State, the State Tax Commission shall determine the value of that part of the capital stock which is used in this State. In making this determination, the State Tax Commission may consider the gross and net receipts within and without the State, including among the receipts within this State that proportion of receipts from interstate business reasonably attributable to this State; the actual investment of capital within this State, in land, buildings, machinery and other property; the number of employees, agents, business correspondents and the like within this State; and any other facts pertinent

to a fair and equitable apportionment of the capital stock to this State.

Interstate Public Utilities.—In the case of railroads, telegraph and telephone companies, car companies, express companies, pipe line companies, and other public service companies, the road, lines, and routes of which extend beyond the State, the State Tax Commission shall fix the value of the aggregate capital stock of the company, both within and without the State, and shall determine what proportion thereof is used within the State. In determining the value of the capital stock used within this State, the Commission may consider the ratio of the number of miles of road, lines, or routes operated within the State to the total number of miles of road, lines or routes operated both within and without the State. It may also consider the rato of gross receipts within the State to the total gross receipts within and without the State. In considering gross receipts, it may attribute to this State all receipts from business beginning and ending in this State, and that proportion of the gross receipts from interstate business which the mileage of roads, lines, or routes, over which such interstate business is done within the State, bears to the total mileage over which such business is done. It may also consider what allowance or deduction, if any, should be made for parts of the capital stock invested in other roads, lines, or routes not operated as part of the system entering this State, or which is invested in property or used in business of another character, or otherwise not representing any part of the system operated in direct conjunction with the roads, lines or routes entering this State. It may also consider what additions should be made to the proportion of the capital stock deemed to be used in this State, or to portion outside the jurisdiction of the State for plants, works or other special facilities within or, respectively, without the State, for differences in the original cost, present value or earning power of different parts of the system. It

may also consider any other facts pertinent to a fair and equitable determination of the proportion of the aggregate capital stock used within this State.

Kentucky Companies Operating Outside the State.—If any company of the kinds named in this section being a company organized under the laws of this State have all its rails, lines or routes outside of this State, the State Tax Commission shall fix the value of its entire capital stock as hereinbefore provided, and apportion to this State for taxation therein the proper proportion and not less than one per cent. of its said capital stock, and the amount so apportioned shall be the value of its intangible property, including its corporate franchise, stocks, bonds, securities and choses in action, subject to taxation in this State and in the county, city, town and district where its principal place of business in this State may be located.

Franchises—How Measured.—From the value of the aggregate capital stock of each company as determined by the State Tax Commission, there shall be subtracted the assessed value of all tangible property taxed in this State, whether assessed by the county tax commissioners or by the State Tax Commission itself, and the value of all non-taxable property in this State belonging to the company. The difference or remainder shall be considered the value of the intangible property of the company or the value of the franchise as the term "franchise" is used in this Act.

§ 6. Commission to Assess Physical Property.—The State Tax Commission shall each year value and assess the physical or tangible property within this State of all the corporations and companies enumerated in section one of this subdivision and shall determine the amount thereof in each political subdivision of the State having taxing power. In determining the value of the physical property, the State Tax Commission shall be guided by the reports required to be made under this Act, but it may take into consideration any

and all other sources of information available. It may inspect the property and may send its duly accredited representatives to do so. The Railroad Commission shall grant to the State Tax Commission access to any and all of its files and records bearing upon the value of railroads.

§ 7. Assessment of Bank Shares.—The shares of the capital stock of all banks and trust companies, doing business in this State, shall be subject to taxation, both for State and local purposes, in the same manner and at the rates as other property is taxed, and upon the basis of valuation and assessment hereinafter in this section provided for.

The State Tax Commission shall each year value and assess the shares of the capital stock of all banks and trust companies doing business in this State. The shares of the capital stock of the banks shall be assessed and taxed in the city or town where the bank is located and not elsewhere. The assessment and taxation of the shares of stock of banks organized under the laws of the United States shall not be at greater rate than is assessed upon the shares of stock of other banks and trust companies in this State. In making the assessment, the Commission shall first determine the actual value of the shares, and shall then deduct therefrom the assessed value of any real estate situated in this State and owned by the bank or trust company in its own right. The shares of the capital stock of all banks and trust companies shall be assessed to the owners or holders thereof. But it shall be sufficient to describe the owners or holders as the "owners or holders of the shares of stock in the bank of .....," inserting the name of the bank. The banks shall be liable for all taxes on the shares and shall act as the agent of the shareholders for reporting the value of the shares, and shall pay the taxes on behalf of the shareholders.

In the case of banks not having shares of capital stock, of agencies or branches of banks not incorporated under the laws of this State and of any analogous banking houses, the

State Tax Commission shall assess the moneyed capital used in this State by each such bank, agency, branch, or other banking house. The shares of capital stock of solvent banks in liquidation shall be assessed as the shares of other banks are assessed. The shares of insolvent banks in liquidation shall be assessed at, as nearly as may be, the amount that will be realized by the shareholders after liquidation has been completed.

The assessment of shares of capital stock of banks and trust companies, provided for in this section, shall be taken to include the value of all notes and mortgages held by such bank, and notes and mortgages owned by any bank shall not be separately assessed. Any bank or trust company assigning any mortgage, any bond or note secured by a mortgage upon real estate, or by vendor's lien upon real estate, and failing to transfer of record such mortgage or lien before the September first following such assignment, shall be liable to a fine of $1,000, and in addition shall be liable for all taxes upon such note or mortgage.

§ 8. The State Assessment Roll.—On or before January first in each year, the State Tax Commission shall make an assessment roll, or book or books, to be known, for convenience, as "The State Assessment roll," and shall enter therein the names of taxpayers whose property has been assessed by them as provided in section one of this subdivision, together with their last known post office addresses, and the kind and assessed value of the property assessed by it. It shall deliver the State assessment roll when completed to the Auditor of Public Accounts, who shall extend the State tax against the property shown therein.

§ 9. Assessments Apportioned to Counties.—All assessments made by the State Tax Commission shall, by that Commission, be apportioned to the counties in which the property so assessed has its situs. The State Tax Commission shall, on or before December first in each year, certify to

each county tax commissioner, the names of the taxpayers whose property has been assessed and apportioned to the county, together with the last known post office addresses of the taxpayers, the kind and assessed value of the property assessed by the Commission, and such other details as the Commission shall deem necessary. The county tax commissioner shall enter the assessments so certified to him in a part of the assessment roll, book or books of the county, to be designated "the roll of property assessed by the State Tax Commission," and shall segregate the same to the different taxing districts within the county. The county clerk shall, as hereinafter in this act provided, extend against this property all taxes to which it is subject, save and except the State tax, and he shall make no entry of the State tax on this part of the roll.

§ 10. Notice of Time for Hearings.—On or before the first day of December in each year the State Tax Commission shall complete the assessment and shall publish a notice in one daily paper published at the State Capital, one daily paper having a general circulation in the eastern part of the State, one having a general circulation in the central part of the State, and one having a general circulation in the western part of the State, stating that it has completed the assessment of property to be assessed by the State Tax Commission and that the assessment roll thereof will be delivered to the Auditor of Public Accounts on the first day of January, and will on that day certify the assessments to the tax commissioners for insertion in the county rolls, and that if any corporation, company, person, firm, partnership, or association is dissatisfied with the assessments made by the Commission, it may at any time before the first day of January apply to the Commission to have the same corrected in any particular. The Commission shall have power at any time before the first day of January to correct the State assessment roll and to

raise or lower any assessment therein of its own motion, or on application as above provided, if in its judgment, the evidence presented or obtained warrants such action.

Article IV.

Review and Equalization.

Subdivision I.

County Board of Supervisors.

§ 1. Appointment of Boards of Supervisors.—Prior to the year of 1917 and thereafter in every year in which a quadrennial revaluation of real estate is to be made, or in any year when a revaluation of real estate has been ordered by the State Tax Commission, the county judge of each county concerned shall, at the November term of the court, appoint five intelligent, discreet housekeepers, who are owners of real estate and who reside in different portions of the county, to constitute the board of supervisors of assessments for the county. In counties in which there is a city of the first or second class, he shall appoint three additional persons from each such city who shall be residents of different wards therein; and in counties in which there is a city of the third or fourth class he shall appoint two additional persons from each such city, who shall be residents of different wards therein, and the persons so appointed from the cities shall, with the other five above provided for, constitute the board of supervisors of assessments for such counties.

§ 2. Boards of Supervisors for Review of Personal Property.—In years when no revaluation of real estate is to be made, the county judge may, if he deem it necessary, appoint a similar board of supervisors of assessments, and he must do so when requested to do so by the State Tax Commission, or by the fiscal court of the county or by that board, body, commission or court which may in any county take over and exercise the functions usually exercised by the fiscal court.

§ 3. Sheriff to Serve Appointments.—The clerk of the county court shall make as many copies of the order appointing such supervisors as there are supervisors appointed and one more, and deliver same to the sheriff of the county, who shall deliver a copy to each supervisor at least twenty days before the first day of January thereafter and make due return thereof to the clerk of the county court.

4. Oath Supervisors Shall Take.—The supervisors, before they enter upon the discharge of their duties, shall take the following oath:

"You swear that you will, to the best of your ability, discharge the duties required of you as supervisor of tax, and that, in each instance where the property has not been assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale, you will increase or decrease the value and fix the value at what you believe the property would bring at a fair voluntary sale."

§ 5. Penalty for Failure to Attend Sessions.—The failure to be in attendance promptly on the day fixed for the session of the board to begin shall, without a reasonable excuse, subject the person or persons so failing to a fine of not exceeding twenty-five dollars; and the vacancy or vacancies so created, or from any other cause, shall be filled by the county judge.

§ 6. Meeting of Supervisors and Duties.—The county boards of supervisors of assessments shall convene in public session at the county seat of their respective counties on the first Monday in January of the year succeeding their appointment. The county clerk shall act as secretary of the board. At the time of their convening, the county clerk shall lay before the county board of supervisors the assessment roll or books, together with the maps, records, statements and copies of any orders of the State Tax Commission used or followed by the district tax commissioners in making the

assessments. The board of supervisors shall examine the books and ascertain:

(1) Whether all property subject to taxation has been entered thereon and whether any has been assessed more than once; (2) whether all the requirements of the law with respect to assessments have been complied with: (3) whether the real estate, and other property has been valued according to law and the true values entered in the assessment roll.

§ 7. Supervisors' Powers.—The board of supervisors shall have power, and it shall be its duty:

(1) To order the district tax commissioner to enter in the assessment roll, and to fix the value of any property found to have been omitted; (2) to order the district tax commissioner to correct any erroneous entries, to cancel duplicate assessments and to make the roll conform to the law; (3) to hear the complaints of any taxpayers claiming to be aggrieved by any unjust or unequal assessments, and after consulting with the district tax commissioner or his deputy, may order the tax commissioner to raise or lower the assessments made of the property of the taxpayers appearing and complaining, but no taxpayer who has failed, refused, or neglected to file with the tax commissioner a sworn statement of his property shall be entitled to be heard, nor shall his assessment be reduced; (4) to raise, on its own motion, any or all assessments found in the rolls, but no assessment shall be lowered, save as provided in sentence (3) immediately above; (5) to summon witnesses and to examine them under oath. Any person who shall wilfully fail to obey the summons of the board, or shall refuse to testify before it when required, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

All orders issued to the county tax commissioner shall be entered in the minutes of the board and duplicate copies thereof transmitted by the county clerk, one to the county tax

commissioner and another to the State Tax Commission. The orders shall be numbered, and when making the entries or corrections ordered by the board, the county tax commissioner shall make a marginal reference to the order complied with. In all its actions, the board of supervisors must conform to the rules and orders of the State Tax Commission in the same manner as is required in this Act of the county tax commissioners. The county tax commissioner shall comply with all orders of the board. But the State Tax Commission, may on appeal, annul any order, and in that event the county tax commissioner shall regard the order as void.

§ 8. Reveiw of Personal Property.—In the years in which the regular quadrennial revaluation of real estate is to be made, or any special revaluation of real estate has been ordered by the State Tax Commission in any county, city or town, the boards of supervisors shall devote special attention to the values of real estate and make every effort to bring about a full assessment thereof. In all other years, any board of supervisors which may be appointed and convene shall make no changes in real estate values, save of new improvements added, but shall confine their orders to the values placed upon personal property and new improvements.

§ 9. Sessions of Supervisors.—In each year when a revaluation of real estate is to be made, the board of supervisors shall hold two sessions with an interval of two weeks between them. In all other years there shall be but one session. In counties having a population of less than twenty thousand and not containing a city of the first, second, third or fourth class, the first session, or the only session, shall continue not less than two, nor more than six days; and in counties having a population of twenty thousand or more, and not containing a city of the first, second, third or fourth class, the board shall continue in session not less than two nor more than eight days; and in counties containing a city of the first class, the board may remain in session not to exceed twenty

days; and in counties containing a city of the second class the board may remain in session not to exceed fifteen days; and in counties containing a city of the fourth class, the board may remain in session not to exceed ten days. The second session shall, in counties having a city of the first or second class, continue not less than one nor more than ten days, and in all other counties, not less than one nor more than five days.

§ 10. County Clerk to Notify of Changes.—It shall be the duty of the county clerk to notify all taxpayers, whose assessments have been ordered made or changed, of the assessment or change and the amount thereof. Such notices shall be sent by mail to the last known postoffice address of the taxpayer. If the address be not known, the sheriff shall serve them. The cost of mailing the notices, or of services, shall be paid out of the county levy.

§ 11. Appeal From Decision of Supervisors.—Taxpayers dissatisfied with the action of the county board of supervisors, or who by reason of the shortness of the sessions of that board have not been heard, shall have the right to appeal to the State Tax Commission. Such appeals must be presented before the first Monday in February, any later appeals are hereby barred. The appeal may be in writing and sent by mail, in which case it must be verified under oath, or it may be presented in person. The appeal may be heard by the county judge and the facts obtained at the hearing shall be certified by him to the State Tax Commission. The Commission shall decide the appeal and its decision shall be final. But no taxpayer who has failed, neglected or refused to file a sworn statement of his property shall have the right of appeal, nor shall any such appeal, if attempted to be made, be granted or heard.

§ 12. Certificate of Supervisors.—The board of supervisors shall keep a record of the proceedings and of all formal orders issued. They shall annex their certificate to the assessment roll, book or books, certifying that they have ex-

amined the same, and approve them, when amended or corrected as ordered and shall return them with the record of their proceedings to the county clerk as soon as their last session be over.

§ 13. Compensation of Supervisors.—The supervisors and the clerks shall be allowed for their services four dollars per day for each day they shall be necessarily employed, to be paid one-half out of the State Treasury and one-half by the county. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above compensations computed as above directed. The clerk shall certify to the county court the approval of the assessment roll, book or books, and the number of days of the sessions and the amount due for compensation. The county court shall enter the facts of record and shall certify the same to the State Tax Commission, who, if it finds that the proceedings were in order, shall transmit the claims of the supervisors and clerks against the State to the Auditor of Public Accounts, who shall pay the same in the same manner as other legal claims against the State are to be paid. The county court shall also certify the claims of the supervisors against the county to the fiscal court for payment and said court shall provide for their payments.

§ 14. Irregularities Not to Invalidate.—Any informality or irregularity in the discharge of their duties by the supervisors, and any failure of duty on their part, shall not render any assessment invalid.

§ 15. Tax Commission May Sit With Supervisors.—The State Tax Commission may send one or more of its members to attend any session of the board of supervisors, or may send its accredited representative to attend such session or sessions, and such members or representatives shall be empowered to sit with the board of supervisors, and to take part in its proceedings, but shall not have a vote.

§ 16. Books and Records Returned to Clerk.—Upon

completion of the work of the board of supervisors, the assessment roll, book or books shall be taken in custody by the county clerk, and all maps, statements, orders of the State Tax Commission or other records shall be returned to the county tax commissioner.

§ 17. Supervisors Not to Raise State Assessments.—No board of supervisors shall raise or lower any assessment of property subject to assessment by the State Tax Commission and apportioned to the counties as provided in subdivision three of article three of this act.

Subdivision II.

The State Tax Commission to Act as State Board of Equalization.

§ 1. State Board of Equalization—How Constituted.—The State Tax Commission shall constitute the State Board of Equalization. It shall have power, at the time of the session provided for in the next section, to raise or lower the assessed value of the property assessed on the rolls of any county, either as a whole or by classes. But it shall not have power to raise or lower any individual assessment, after the same has been approved by the board of supervisors, save on appeal from rulings of a county board of supervisors, as provided for in subdivision 1 of this article.

§ 2. Meetings.—The State Tax Commission shall convene at the State Capitol as the State Board of Equalization on the second Monday in February in each year, and remain in continuous session, for the purpose of equalizing the assessment of property between counties throughout the State, for thirty days, or longer, if deemed necessary by the board. It may adjourn its sessions at the State Capitol to reconvene in any county.

§ 3. To Examine Assessments.—At this session, the State Board of Equalization shall carefully examine the re-

ports of the district tax commissioners as to the valuations of property in each county, and shall examine the orders made by the county boards of supervisors and shall compare them with all data on file in their office or obtainable from any source, and shall determine whether the assessments conform to the true value in money of the property assessed.

§ 4. Percentage to be Added or Subtracted.—Equalization shall be accomplished by directing that a given percentage shall be added to or subtracted from the assessed value of all the property on the rolls of any county or added to or subtracted from the assessed value of any class of property. Provided, that no percentage shall be added to or subtracted from money or other cash items on the roll by directing that the county board of supervisors shall be reassembled by the county judge and revise the assessed value of all property on the rolls of that county, or of the assessed value of any class of property, so that the revised assessment will show an increase or a decrease of a given percentage.

§ 5. Percentages on Real Estate.—Only in those years when a revaluation of real estate has been made, shall any percentage be added to or subtracted from the assessed value of real estate in any county, except new improvements, but in those years the State Board of Equalization shall give special examination to the completed assessments of real estate.

§ 6. Notifications to Counties of Changes.—When it is contemplated by the State Board of Equalization that it will be necessary to raise the assessed value of property in any county, it shall give public notice in that county, in such manner as it shall deem sufficient, to the taxpayers of the county, and to the county court of the county, of the contemplated action, and shall set a day and fix a place for a hearing. At that time and place any taxpayer of the county, or any officer thereof, may appear and shall be heard. The county court may appoint not to exceed five witnesses or accredited representatives of the county to appear at such

hearings. The compensation and expenses of such witnesses or representatives shall be paid by the county.

§ 7. When No Equalization is Deemed Necessary.—If the State Tax Commission shall be satisfied that in any one year, through its supervision of the work of the county tax commissioners of the county boards of supervisors, it has already brought about substantial equality in the assessments throughout the State, it may, on the first day of its session as the State Board of Equalization or within three days thereafter, by notice given to the county court of each county, declare that no percentages will be added to or subtracted from the assessed values of any county on the board's own motion. But any county or any taxpayer within any county, believing the assessed values in any county to be higher or lower than those of any other county, may within ten days after the day of the issue of the notice of non-intention to equalize, demand a hearing, and said hearing shall be granted and a day and place fixed therefor. In such case the assessed valuation of each and every county shall be subject to equalization as though the notice of intention to make no changes had not been issued.

§ 8. Certificate of Changes to County.—Whenever the State Board of Equalization shall have raised or lowered the assessed valuation of property in any county, or any class of property in any county, it shall prepare a verified certificate of such action and forward the same to the county clerk of the county affected. Upon receipt of this certificate, the county clerk shall at once correct the assessment roll by adding or deducting the percentage ordered from each and every assessment to which the action of the State Board of Equalization applies.

When the State Board of Equalization has completed its work, it shall notify also all counties whose assessments were not changed of that fact.

§ 9. Certification to Auditors.—Immediately upon the

completion of its work and not later than May first, in each year, the State Board of Equalization shall certify to the Auditor of Public Accounts the final equalized value of the property assessed in each county in the State. The Auditor of Public Accounts shall at once compute the amount of taxes due from each county on the property assessed upon its rolls and shall cause to be printed and sent to each county clerk, each county court and each fiscal court, or its successor in powers, a statement showing the assessments made on property within each county and the State taxes due therefrom. In its report to the Auditor of Public Accounts the State Board of Equalization may give the assessed property by counties in such classes or in such detail as it shall deem necessary and the Auditor of Public Accounts shall publish his statement in substantially the same detail.

Article V.

Duties of the County Clerks in Relation to the Revenues

§ 1. County Clerk to Check the Roll.—The county clerk shall, after the examination and approval of the assessment roll by the board of supervisors attesting the accuracy of the extension and additions on said books, make the additions for each of the columns or lines required to be added and determine the aggregate value or other totals in said assessment roll. He shall also make a recapitulation on blanks to be furnished by the Auditor of Public Accounts and record a copy of said recapitulation in said assessment roll with his official seal attached, and send another copy to the Auditor of Public Accounts. It shall be his duty to see that all footings, additions and recapitulations are correct.

He shall annually make out, for the use of the sheriff or collector, in a book furnished by State Tax Commissioner, a correct list of all tithes, and shall deliver the same to the sheriff or collector on or before the first day of March, and

take his receipt therefor. For attesting the accuracy of the extensions and additions on said book and for making the additions of each column, and for making out said list of tithes for the sheriff, and for computing and extending the amount of the taxes due, the county clerk shall be allowed annually, out of the State Treasury, three (3) cents for each tax computed against any taxpayer, and also for each line calling for the total values and total taxes. The clerk shall present his account to the county court, verified by his affidavit, which shall be approved and allowed by the court, if found correct, and duly certified to the Auditor, who shall draw his warrant on the Treasurer for the amount, and for making out said recapitulation sheet and recording the same in the tax book, said clerk shall receive two (2) cents for each line across the page thereof, including the last number of total values and the same compensation for copy certifying said recapitulation sheet to the Auditor, to be ascertained by the Auditor and paid by the Treasurer on the warrant of the Auditor. It shall be the duty of the county clerk, after the approval of the tax books by the Board of Supervisors, to mark with a perforating punch, each line of said tax book and the recapitulation sheet, or sheets, upon which a list is not already entered. The fiscal court shall furnish the clerk with said punch. The failure of the county clerk to comply with this provision will subject him to a fine of fifty ($50.00) dollars which may be recovered by warrant or indictment.

§ 2. County Clerk's Preliminary Report to State.—The county clerk must, on or before March first in each year, prepare from the assessment roll of his county, as corrected by the county tax commissioner under the orders of the board of supervisors, a statement in duplicate, showing in separate columns:

(1) The number of acres of land.
(2) The total value of all property.
(3) The value of all lands.

(4) The value of all improvements on land.

(5) The value of personal property in such classes as the State Tax Commission shall prescribe.

(6) The assessed value of all property sold for delinquent taxes.

(7) Such other items as the State Tax Commission or the Auditor of Public Accounts shall prescribe.

As soon as it is prepared, the clerk shall transmit, by mail, one copy thereof to the Auditor of Public Accounts and the other to the State Tax Commission.

§ 3. County Clerk to Complete the Roll.—As soon as the county clerk receives from the State Tax Commission a statement of the changes ordered to be made by it, when acting as a State Board of Equalization, in the assessment roll of the county, he must make the corresponding changes in the assessment roll of his county by entering the same in a column to be provided with a proper heading in the assessment book or books. In computing the assessments so changed, any fractional sum when equal to or more than fifty cents shall be counted as one dollar, and any less than fifty cents shall be omitted, so that the value of any separate assessment shall contain no fraction of a dollar.

§ 4. County Clerk to Extend the Taxes.—The county clerk must then compute and enter in a separate money column in the assessment book or books, the respective sums, in dollars and cents, rejecting all fractions of a cent, to be paid as a tax on the property therein enumerated, showing also the total amount of all taxes, and the total value of all property as assessed and equalized.

§ 5. County Clerk's Oath.—On or before June first in each year the county clerk must deliver the corrected assessment book or books, with the taxes entered therein, to the sheriff, with an affidavit attached thereto, and subscribed by him substantially as follows:

"I, ..., county clerk of the county of.....,

do swear that I have examined the assessment book or books of this county and find that they are properly corrected to conform to the action of the board of supervisors, and that I have further corrected them to conform to the action of the State Tax Commission; that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage as required by law."

§ 6. County Clerk to Charge the Sheriff With Taxes and Hand Final Report to Auditor.—On delivering the assessment book or books to the sheriff, the county clerk must charge the sheriff with the full amount of taxes levied, except the taxes due the State on assessments made by the State Tax Commission and entered in the State assessment roll. He shall forthwith transmit to the Auditor of Public Accounts, in such form and detail as the Auditor shall prescribe, a verified statement of the amounts so charged showing separately State and local taxes. Any county clerk failing to forward such statement to the Auditor of Public Accounts for ten days after the roll has been delivered to the sheriff shall forfeit to the Commonwealth one thousand dollars, to be recovered on his bond by action brought by the Attorney General in the name of the Auditor of Public Accounts.

§ 7. Change of Sheriffs.—When any assessment roll is transferred from one sheriff to another, the county clerk shall credit the one and charge the other with the amount then outstanding on the assessment roll.

Article VI.

Collection of Taxes.

Subdivision I.

Collection by Sheriff—Bond and Duties.

§ 1. Sheriff to Collect.—The sheriff, by virtue of his office, shall be collector of all State, county and district taxes, unless the payment thereof is, by law, especially directed to be made to some other officer.

§ 2. Sheriff Bond and Quietus—Qualifications of Sureties—Lien.—The sheriff or collector shall, on or before the first day of March next succeeding his election, and on or before the said day annually thereafter, enter into bonds with surety for the faithful performance of his duties. A quietus by the Auditor of Public Accounts, and from the fiscal court of his county for the preceding year shall be produced by each sheriff or collector to the county court on or before that day, and no tax book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he receives his certificate of election up to and including the first day of March succeeding his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose. The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payments of all their debts and liabilities, a sum equal to the aggregate amount of money which may probably be received by the sheriff or collector during the year succeeding the execution of the bond. The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff or collector, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of the office of sheriff or collector, or a de facto sheriff or collector, or any person who may act as sheriff or collector.

§ 3. Failure to Execute Bond Forfeits Office.—Appointment of Sheriff or Collector.—On the failure of the sheriff or collector to execute bond and qualify as hereinbefore provided, he shall forfeit his office, and the county court may appoint

a sheriff or collector to fill the vacancy until a sheriff or collector is elected, or it may appoint a collector for the county of all monies due the State, county or taxing district authorized to be collected by the sheriff, or it may appoint a separate collector of all the monies due the State, county or any taxing district thereof during the vacancy in the office of sheriff; and in the event the county court fails for thirty days to appoint a collector of money due the State the Auditor of Public Accounts may appoint a collector thereof. Such collectors shall, within ten days after their appointment, execute bond as required of the sheriff, to be approved by the county court, and if the bond be not executed within said time the appointment of another collector may in like manner be made and qualified; but such collector shall only be required to give bond for and collect such taxes or monies as may be mentioned or provided for in order of the county court appointing him.

§ 4. Sheriff or Collector Who Forfeits Office.—Not to be Appointed to Certain Offices.—No sheriff or collector who shall forfeit his office under the preceding section, or who shall resign his office, shall be appointed deputy sheriff or collector for the county, or elisor or deputy collector or a deputy elisor; and if such appointment be made he shall receive no compensation for his services as such.

§ 5. Sheriff's Revenue Bond.—The bond of the sheriff or collector shall be, in substance, as follows: We, A. B. (sheriff or collector, as the case may be), and C. I and E. F., his sureties, bind and obligate ourselves, jointly and severally, to the Commonwealth of Kentucky, that the said A. B. (sheriff or collector, as the case may be), shall faithfully perform his duties. Witness our signature this .....day of ..... The bond shall be executed in duplicate, one of which shall be filed and recorded in the county clerk's office, and the other shall be sent to the Auditor of Public Accounts and filed in his office.

§ 6. County Court May Require Additional Bond.—The

county court may require the sheriff to give an additional bond or bonds, with good surety, to be approved by the county court whenever it may deem the interest of the State or county demands; and the sureties on all the bonds executed by the sheriff shall be jointly and severally liable for any default of the sheriff during the term in which said bond may be executed, whether the liability accrues before or after the execution of such bond or bonds.

§ 7. Outgoing Sheriff to Deliver Office and Settle—Penalty.—The outgoing sheriff, as soon as his successor has been qualified and his bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and shall make a full and complete settlement of his accounts as sheriff. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a sum not less than fifty nor more than five hundred dollars, and be liable on his bond for any default.

§ 8. Death of Sheriff—Sureties May Nominate Collector. —If the sheriff shall die, resign or be removed during his term of office, his sureties shall have the right to nominate a person to collect the revenues for that year, and upon their written nomination of such person he shall be appointed by the county court, and the sureties shall remain liable to the Commonwealth for the taxes with which their principal was charged: Provided, That this section shall not apply when in any case the sureties, in the opinion of the county court, are not in the aggregate worth, in property subject to execution, above their debts, the amount of the taxes with which their principal was charged.

§ 9. Office at Courthouse—Books Kept By—Balances. —The sheriff shall keep his office at the county seat of the county, except in counties where the sheriff has an office established in cities or towns other than the county seat, in

which counties the sheriff shall continue his office at the place now established, and the fiscal court shall provide him with a room or rooms for an office with a vault or place of safety in which to keep the records of his office. He shall keep an accurate account of all moneys received by him, showing the amount thereof, the time when, and from whom received and on what account; also, of all the disbursements made by him, the amount thereof, to whom paid, the time of payment, and on what account; and he shall so arrange and keep his books that the amounts received and paid on accounts of separate and distinct or specific appropriations shall be exhibited in separate and distinct accounts. He shall balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made.

§ 10. Sheriff's Books Open to Inspection.—The books of the sheriff shall at all times be open to the inspection of the Auditor of Public Accounts, the Auditor's agent, the fiscal court or any member thereof, the Commonwealth's and county attorneys, or any taxpayer or person having any interest therein.

§ 11. Bookkeeping—Form of—Auditor to Adopt.—It shall be the duty of the Auditor of Public Accounts to adopt a form of bookkeeping and furnish the books not later than March 1, to be paid for as other county records, for the several sheriffs and collectors, and all sheriffs and collectors are required to keep their books and accounts in the manner and form required by the Auditor of Public Accounts, and on intentional failure of any sheriff or collector to keep his books in an intelligible manner and according to the form prescribed by the Auditor of Public Accounts and to make the entries as required by law, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than fifty nor more than two hundred dollars, and on failure of the Auditor of Public Accoounts to furnish the sheriffs and collectors

with such form of bookkeeping and books, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than one hundred dollars nor more than five hundred dollars. The failure to furnish any sheriff or collector such form of bookkeeping and books shall be deemed a separate offense. The Franklin Circuit Court shall have jurisdiction to try each offense against the Auditor of Public Accounts for violations of this section.

§ 12. Office to be Kept Open—Taxes, Dues, Retained Out of Claims—Witness Fees.—The sheriff shall keep his office open for the collection of moneys which he may be entitled to receive, at all reasonable times, except Sundays and legal holidays; and when any money is paid him, he shall immediately enter the same upon his record books and give to the person paying it a receipt therefor, specifying therein the amount and on what account the same was paid and when paying any money he shall take a similar receipt. He shall retain the amount of tax and other public dues against any person or corporation out of any claim allowed by the Commonwealth or the fiscal court to such person, except claims allowed for attendance as a witness, notwithstanding any assignment of the same.

§ 13. Deputy Sheriffs — Appointment — Bond.— The sheriff or collector may, with the approval of the county court, appoint one or more deputies, and take bond to himself for the faithful discharge of the duties of such deputies; but in all cases the sheriff shall be liable on his bond or bonds for any misconduct or fault of such deputies; any deputy may be removed at any time by the sheriff.

§ 14. Justices' Districts Visited to Receive Taxes—Notice.—The sheriff or one of his deputies shall, at least once every ninety days, between March first and November first, visit each justice's district of the county for the purpose of receiving taxes; and he shall give notice of the time and place where he will receive taxes in such districts by written or

printed notices posted at three or more public places therein, for not less than ten days before the day designated for that purpose.

§ 15. Taxes When Due—Reports and Payments to Auditor—Penalty.—The sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, June, August, September, October, November, December, under oath, report to the Auditor of Public Accounts the amount of all taxes he has collected and pay the same immediately, and shall account for and pay all taxes which he has collected for the State into the State Treasury by the first day of December in each year, and upon his failing to do so he and his sureties shall liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin County at the next term of said court after such failure to report, the name of such sheriff or collector so failing to report. The sheriff or collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the 31st day of December in each year. The Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this act.

§ 16. Sheriff Not to be Interested in Public Works Nor Buy Claims—Penalty.—No sheriff or collector shall be concerned or interested, directly or indirectly, in the construction of any public works or improvements made or undertaken, in which the county or State shall be directly or indirectly interested, or on which he may be required to pay money, nor speculate in any claim against the State or

county. Any sheriff or collector violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined a sum not less than five hundred and not more than two thousand dollars for each offense.

§ 17. Misapplication of Funds Collected—Penalty.—It shall be unlawful for any sheriff or collector to apply or use any money received by him for any other purpose than that for which such money shall have been paid or collected; every such application shall be deemed a misdemeanor, and, on conviction, the sheriff or collector shall be fined not less than one hundred nor more than five hundred dollars for each offense.

§ 18. Sheriff's Settlements—Exceptions to—Appeal From Judgment On.—Each sheriff or collector shall, when required by the fiscal court, settle his accounts of county or district taxes, and at the regular October term of each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorneys to settle the accounts of the sheriff or collector of money due the county or district. The report of such settlement shall be filed in the county clerk's office, and be subject to exceptions by the sheriff or collector or county attorney, who shall represent the Commonwealth and county, and the county court shall try and determine such exceptions. An appeal may be prosecuted by either party from the judgment of the county court on such settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney shall not be required to give an appeal bond, or actions may be instituted in any court of competent jurisdiction to correct the settlement; and the settlement, when approved, shall be recorded in the county clerk's office.

§ 19. Reports to County of Taxes Collected.—The sheriff or collector of the State and county revenue of each county of this Commonwealth shall, on the first day of May, June,

July, August, September, October, November and December in each year, report under oath to the county court of his county the amount of State and county taxes he has collected, together with all fines, forfeitures or money, or any other account that shall have been received or collected by him showing in said report the amount collected for and belonging to each particular fund, for which such revenue or money may be intended, and the disposition of such revenue or money collected by him. Said report shall be filed and recorded in a separate book furnished by the county clerk for that purpose, which shall be open for inspection in the office of the county clerk. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined not less than one hundred nor more than five hundred dollars for each offense.

§ 20. Taxes When Due—Interest and Penalty.—All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of June after the assessment, and all taxpayers whose taxes are not paid on the first day of December after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent. per annum from the first day of December after they are due until paid; and any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes, shall pay a penalty of six per centum additional on the taxes due and unpaid. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

§ 21. Sheriff to Record Payments in Assessment Roll.—The sheriff must mark the date of payment of any tax in the assessment book opposite the name of the person paying.

§ 22. Tax Receipt.—The sheriff must give a receipt to the person paying any tax, specifying the property against

which the tax was assessed, the amount of the assessment and the amount paid.

§ 23. Form of Tax Receipt.—The Auditor of Public Accounts shall prescribe the form of and furnish the receipts to be given to taxpayers by the sheriff and they shall be uniform each year throughout the State, and distinguished from year to year by difference in color or design, and shall plainly show the year for which the taxes have been paid and the county in which paid. Provided, that the tax receipts to be used by the sheriff for the payment of local taxes only on property assessed by the State Tax Commission, the State tax on which is to be paid directly to the State, shall be different in form and color from those for the taxes on other property on which both State and local taxes are collected.

All tax receipts and the stubs thereof shall be numbered consecutively, and charged to the sheriff by said numbers, and he shall return to the Auditor of Public Accounts and be credited therewith, all tax receipts not issued at the time that he makes his final settlement with the Auditor. He shall, however, retain the stubs thereto as part of his office records.

§ 24. Payment of Taxes on Single Parcels of Real Estate.—The taxes on any particular lot, piece or parcel of land contained in any assessment may be paid separately from the whole assessment, if such lot, piece or parcel has a separate valuation in the assessment roll. The sheriff shall make an entry on the margin of the assessment book, showing what certain property has been released by the payment of the taxes as herein provided, together with the amount of such taxes specifically set forth.

Joint Owner Paying Tax Has Lien.—When land owned by two or more persons shall be assessed conjointly, and any one or more of them shall not pay their portion of the tax, any such owner paying the whole tax, or who shall redeem the whole tract after it has been sold for delinquent taxes, shall have a lien on the delinquent's portion for the tax justly

owing by such delinquent, and may sue for and recover the same.

Court authorized to Apportion Assessment.—When two or more persons own land which has been assessed as one tract, any one, or more of them, after partition of the same, and upon ten days' notice to the other owners, may make application to the county court of said county for an apportionment of the assessment; and the said court is hereby authorized to apportion the assessment among the owners according to the value of their respective interests, as shown by the proof introduced by them. If the delinquent taxes are due on said land, any one or more of said owners may have his portion released therefrom by paying to the officers to whom such delinquent taxes are payable his pro rata share thereof, as ascertained by the judgment of apportionment, and said judgment shall be final, unless an appeal therefrom to the circuit court, which is hereby given jurisdiction, be prosecuted within sixty days from the rendition of the same.

§ 25. Assessment Roll Sole Warrant for Collection of Taxes.—The assessment roll shall constitute the sole warrant for collecting taxes and shall be a sufficient warrant for enforced collection. Any sheriff or other person receiving any money tendered in payment of taxes, except as hereinafter in this act provided, when such taxes are not charged on the assessment roll, shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary for one year. The money so collected shall be recovered under his bond. Provided, however, that whenever, in the performance of his duties, the sheriff shall discover any property subject to taxation that has been omitted from the assessment roll, it shall be his duty to immediately report the property with a description thereof to the county clerk. The county clerk shall at once apply to the county court for an order to assess the property, and on the issuance of the order shall immediately enter the property in the roll with a valuation and assessment

against it, to be approved by the court, as nearly as may be in conformity to the value and assessment of other similar property, and shall extend the taxes against it. The sheriff shall then collect the taxes. If the person whose property has been assessed in this manner shall be dissatisfied with the valuation placed thereon by the clerk and by the county court, he shall pay the taxes to the sheriff under protest, and having done so may appeal to the State Tax Commission, and the Commission shall fix the value. Pending decision of the appeal, the sheriff shall hold the taxes paid under protest and shall adjust the amount to conform to the decision. If the omitted property which the owner failed to list in the statement which taxpayers are required to file with the county tax commissioner the making of an appeal either to the county court or to the State Tax Commission shall not work any postponement of the application of delinquency penalties. But in all other cases no penalties for delinquency shall apply until ten days after the appeal shall have been decided.

§ 26. Sheriff's Commissions.—The sheriffs or tax collectors shall be allowed by the Auditor of Public Accounts the following commissions upon the sums collected or accounted for or paid into the State Treasury in each year: Upon the first five thousand ($5,000) dollars, ten per centum, and upon the residue four per centum. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above commissions, on the Commonwealth's share of the taxes. He shall be allowed by the treasurer of the county ten per centum upon the first five thousand ($5,000) dollars of the county revenue collected and four per centum upon the residue. Provided, That in no case shall the aggregate annual compensation of the sheriff for all official services exceed five thousand ($5,000) dollars, independent of the compensation of legally authorized deputies and assistants. Provided, further, that in case any city arranges for the collection of city taxes by

the sheriff on the basis of the county assessment rolls, the compensation therefor shall not exceed two per centum of the taxes so collected.

Before the county treasurer, any city treasurer or auditor shall allow the commissions provided for in this section, he shall certify to the Auditor of Public Accounts the amounts to be allowed, at the rates provided for in this section, and the Auditor of Public Accounts shall certify back to the county or city treasurers the amounts which shall be paid. In case the fees or commissions allowed under this section, at the rates herein provided for, exceed five thousand dollars ($5,000), the amount to be allowed by the counties, the amount to be allowed by the cities, and the amount to be allowed by the Commonwealth, in the aggregate of five thousand dollars ($5,000) shall be divided in proportion as the commissions on the county taxes, State taxes and the city taxes bear to the total commissions so computed.

It shall be the duty of the Auditor of Public Accounts to ascertain and determine that the aggregate commission shall not exceed five thousand dollars ($5,000).

§ 27. Tax to Operate as Judgment.—For a period of five years every tax has the effect of a judgment against the person, and every lien created by this Act has the force and effect of an execution duly levied against all the property of the delinquent; the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold for the payment thereof.

§ 28. Tax On Personal Property a Lien On Real Estate.—Every tax due and assessed upon personal property is a lien for a period of five years upon the real property of the owner, situated in the same county. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements on land assessed to some person other than the owner to the land is a lien upon both the land and the improvements, which liens attach as

of the first day of September in each year. Provided, that such liens for taxes on personalty and improvements shall not prejudice the rights of purchasers of such real estate acquired before proceedings shall have been instituted or steps taken to subject the same to such lien.

Whenever the owner of land shall, in order to protect his title, pay the taxes upon any improvements situated thereon but assessed to some other person than the owner of the land, he shall have a lien upon said improvements equal to the amount of the taxes paid.

§ 29. Tax Collected from Persons Removing or Concealing Property.—It shall be the duty of the sheriff or collector who at any time has reasonable grounds to believe and does believe that any person from whom a tax is due is about to remove his property from the State, county or taxing district or to conceal the same, to immediately collect said taxes as hereinafter provided for the collection of taxes, costs and penalties of delinquent taxpayers.

§ 30. Secured Taxes Not to be Collected by Summary Process.—Taxes which, in the opinion of the sheriff, are a lien on real estate of an amount sufficient to secure the full payment thereof with penalties and costs if the tax become delinquent shall not be collected by distraint and sale nor by attachment as provided for in subdivision three of this article. But all other taxes shall, if payment be refused under section twenty-nine immediately above, or if they become delinquent, be collected by distraint and sale or by attachment. As soon as any taxpayer becomes delinquent, the sheriff or the collector of the county where the property is liable shall distraint sufficient personal property of such delinquent, if found in the county, to satisfy all taxes, interest and penalties due. If a sufficient amount of personal property be not found, then he will levy on a sufficient quantity of the delinquent's land for that purpose. But if no land be found belonging to the delinquent, the sheriff shall levy on any real estate owned

by the delinquent at the time of assessment for the taxes or a sufficient amount to satisfy the taxes, cost, and penalties due. If the sheriff makes illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved. A sheriff or tax collector shall sell for cash any property belonging to the delinquent taxpayer so levied upon or as much thereof as will pay the taxes due, penalties, interest and cost and his commission, in the same manner that property is sold under execution, except that the land shall not be valued, and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the courthouse door, and by publication once a week for four consecutive weeks prior to the day of sale in a newspaper of general circulation, if there be one in the county; if not, then by printed hand bills posted for fifteen days before the sale at the courthouse door and in three or more conspicuous places in the taxing district; and he shall, not less than fifteen days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of sale, and in order to cover the cost of such advertisement and notification, the sheriff or collector shall have one dollar for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the State, county or taxing district.

Subdivision II.

Collection of Taxes by Attachment.

§ 1. Collection of Taxes—Sheriff to Give Notice.—If the sheriff, his deputy or other persons having revenue, county levy or other taxes of any character, or other public dues, not secured by real estate, in his hands for collection, believes another person to be indebted in money or property to the person owing taxes or public dues, and believes he cannot otherwise collect the tax, he shall deliver, or cause to be delivered, to the person owing the taxes or public dues, and to

the person owing him, anywhere he may be found, written, notice in substance as follows: "Mr. A. B., the taxes due by C. D. amount to the sum of $.....cents. To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the county court of..... county, on the first day of its term, to show cause why you should not be adjudged to pay said taxes. This.....day of....., nineteen ...., Sheriff."

§ 2. Effect of Notice—Trial Judgment—Sale of Property.—This notice shall be signed by the sheriff, his deputy or by the collector, and shall operate to enjoin the person named in it from paying the amount mentioned in the notice, money, property, notes, accounts and other things of value, owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the county court. On the hearing by the county court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of account and indebtedness, whether of money, property or labor, owing at the date of the notice, or incurred thereafter. The court shall direct the said debtor to pay or deliver to the sheriff or collector any money, property or other thing then, or at the time notice was served, due delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid or discharged; and, if it be property, the sheriff shall sell the same, after advertising by handbill posted at the courthouse door for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes.

§ 3. Delinquent Not Released Until Tax Paid.—The person owing taxes shall not be discharged from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid.

§ 4. Notice May Include All Persons Indebted.—All persons indebted to the person owing taxes may be included in the same notice, though residing out of the county of the sheriff or collector.

§ 5. Docket—How Made Out—Parties.—The proceeding shall be docketed in the name of the Commonwealth and, if necessary, to the interest of the Commonwealth, the court may cause other parties to be brought in before it, and be made party to the proceedings.

§ 6. Judgment—Defenses.—The court may hear evidence, and, in its judgment, shall provide for the payment of the State revenue, the county levy due, and if there be other taxes due the court shall direct the payment thereof: Provided, That the delinquent shall have the right to defend by showing, first that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

Subdivision III.

Collection of Taxes Assessed on the State Assessment Roll

§ 1. Certain Taxes to be Paid to State Treasurer.—All taxes assessed on the State assessment roll shall be paid directly to the State Treasurer.

§ 2. Notice to State Taxpayers.—The Auditor of Public Accounts shall each year on or before January first send to each company or person, whose property is assessed on the State assessment roll, an order setting forth the amount of the assessment and the amount of the taxes due and payable and directing the taxpayer to pay the amount to the State Treasurer.

§ 3. State Treasurer to Receipt for Taxes.—The State Treasurer upon receipt of any taxes shall send the taxpayer a receipt therefor, and shall send the Auditor of Public Ac-

counts each day a statement showing the amounts paid and by whom, and the Auditor shall mark them paid on the State assessment roll with the date of payment.

§ 4. State Taxes Due When.—All of such taxes shall be due and payable at the same time as other taxes and shall become delinquent on the same date as other taxes, and the same penalties shall attach as in the case of other taxes.

§ 5. Injunction Not to Issue Against State.—No injunction shall ever issue in any suit, action or proceeding in any court against the Commonwealth or against any officer thereof to prevent or enjoin the collection of any taxes levied under the provisions of this act; but after payment of the taxes, action may be maintained to recover any tax illegally collected in the manner provided in the next section hereto.

§ 6. Companies May Sue to Recover—How, When.—Any company or person claiming to be injured or aggrieved by the assessment of property may, after having duly presented its or his objections before the Commission or board of supervisors as provided for in this act, but not if he has failed or neglected so to do, bring an action for the recovery of any taxes, penalties or costs paid on such assessment. But no such action shall be brought later than six months after the day on which the taxes were due, nor unless such company or person shall have paid the taxes and shall have, on paying the taxes, filed with the Auditor of Public Accounts or sheriff a written protest, stating whether the whole assessment is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as voluntary. Whenever under the provisions of this section an action is commenced against the State Treasurer, it shall be instituted in the Franklin Circuit Court. The Attorney General shall defend the action. The provisions of the code as to pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for. A failure to begin

such action within the time herein specified shall be a bar against the recovery of such taxes.

Article VII.

Subdivision I.

Collection of Delinquent Taxes on the State Assessment Roll.

§ 1. Taxes When Delinquent.—At the close of business on December first in each year, all taxes appearing unpaid on the State assessment roll are delinquent. Thereupon the same penalties shall attach as attach in the case of other taxes.

The taxes levied under the provisions of this act shall constitute a lien upon the property and franchises of every kind and nature belonging to the companies subject to taxation on the State assessment roll, and that lien shall attach on the first day of September of each year. Every tax herein provided for has the effect of a judgment against the company, and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until all such taxes, penalties, and costs are paid, or the property sold for the payment thereof.

§ 2. Proclamation of Delinquency.—The Auditor of Public Accounts shall prepare a list of delinquent taxpayers and shall certify the same to the Governor, who shall issue his proclamation, declaring these taxpayers delinquent. The proclamation shall be published by the Secretary of State once each week for three successive weeks in a daily newspaper of general circulation published at the State Capital, and in one paper of general circulation published in Louisville, and one of general circulation published in Lexington. The proclamation shall recite the fact that if these taxes are not paid on or before February first next thereafter action will be commenced to recover the taxes, and shall recite the additional

charges and penalties which will be incurred. A charge of fifty cents for each assessment shall be added to the amount due to cover cost of publishing the delinquent list.

§ 3. Attorney General to File Suits.—As soon as possible after February first in each year, the Attorney General shall file suits in the Circuit Court of Franklin County against all companies then appearing delinquent, as defendants to recover the amount due the State. Suit shall be brought for the amount of the taxes, penalties, and costs due with interest at six per cent. per annum on the entire amount from the first day of January last preceding, together with the following costs: five dollars for each suit brought, together with the actual cost of action to be allowed by the court. The provisions of the code relating to pleadings, proofs, trials, and appeals are hereby made applicable to the proceedings herein provided for, and writ of attachments may be issued.

Receivers May Be Appointed.—In the case of public utility companies, the seizure and sale of whose property might result in damage or inconvenience to the public by stoppage of the service, receivers may be appointed by the court to collect the income of such companies until the amount of the judgment be recovered. The State assessment roll shall be prima facie evidence of the amount of the taxes due, and of the validity of the assessment. Invalidity of the assessment cannot be pleaded as a defense in such actions, inasmuch as another remedy has been hereinbefore in this act provided for persons claiming to be aggrieved or injured by the assessments.

Article VIII.

Bonds of Officers—Penalties Thereunder.

§ 1. Bonds of Officers—Bind to What.—The bonds of all officers mentioned in this act shall bind them and their sureties for the faithful performance of their duties and for all moneys which shall come to their hands by virtue or color

of their offices, and the strict accounting of all moneys due by them to the State, or other taxing districts, and for the correctness of all amounts claimed and collected by them as commissions or compensation for their services.

§ 2. Penalty—How Enforced.—Whenever any penalty is provided for in this act it may, unless otherwise specially stated, be enforced either by indictment in the circuit court of the county or by action in any court having competent jurisdiction.

§ 3. Penalty When Not Prescribed.—When no other penalty is mentioned for a failure to do an act or the doing of an act forbidden or required by this act, the penalty in all such cases shall not be less than ten nor more than five hundred dollars.

§ 4. Officer Not to Retain Fee.—No officer named in this act shall retain any part of the compensation allowed his deputy or deputies longer than thirty days. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than five hundred dollars for each offense.

§ 5. Penalties for Failure of Duty by County Tax Commissioner.—The county tax commissioner shall, for any failure of his duty under the law, where no other penalty is provided, be fined in any sum not less than twenty-five dollars nor more than fifty dollars.

§ 6. Remedy for Non-performance of Duty by Officer.—Anyone injured by failure in or the improper performance of the duties of the county tax commissioner or sheriff, shall have a remedy on his official bond, and the criterion of his recovery shall be the value of the property lost by reason of such failure. No such action shall be maintained unless such person shall allege and prove that he made diligent efforts to have such property assessed, and offered to pay the taxes thereon, and on all other real property of his liable to assessment.

§ 7. Clerk Failing to Pay Redemption Money—Penalty.—If any clerk shall fail to pay the redemption money to the person entitled thereto upon demand, he and his sureties shall be liable for the same and twenty per cent. interest thereon annually from the time he receivd it until paid.

§ 8. Selling Twice—Penalty.—If any sheriff or collector shall knowingly sell the same tract or parcel of land, or any personal property, more than once for the same tax, he shall be fined one hundred dollars, and be liable upon his official bond for all damages which may be sustained by any party aggrieved.

§ 9. County Attorney to Prosecute.—The county attorney shall prosecute under the preceding sections, and he shall receive for his services twenty-five per cent. of the fine recovered.

Article IX.

Providing That Certain Securities, Bonds and Stocks Shall Be Stamped by the Assessor.

§ 1. No judgment shall be rendered in any court in favor of any taxpayer of the State of Kentucky in an action to recover any sum on any note, bond or mortgage unless such note, bond or mortgage has endorsed thereon the words: "Assessed by the Assessor," over his signature showing the year when said endorsement was made. It shall be a complete defense to any action, seeking the recovery of property of any kind or character, that the taxes, State, local and municipal, have not been paid thereon, for and during the time the party claiming said property has been the owner thereof. Provided, however, that the provisions of this article shall not apply to the mortgages, stocks, bonds or notes of any bank, trust company or corporation that pays a tax to the Commonwealth of Kentucky, in its taxing district, on all its property located in Kentucky.

ARTICLE X.

§ 1. The following sections of Carroll's Statutes of Kentucky, edition of 1909, are hereby repealed: Section 4019 to and including 4054; Sections 4056 to and including 4076a; Sections 4077 to and including 4092; Sections 4095 to and including 4114; Sections 4115 to and including 4168; Sections 4239 to and including 4241; Sections 4268 to and including 4281. The following Acts are also repealed: (1) An Act entitled: "An Act amending an Act relative to Revenue and Taxation, approved March 15, 1906," approved March 19, 1912, same being Chapter 131, Acts of 1912: "An Act entitled: 'An Act to amend Section 4143 of the Kentucky Statutes,' " approved March 12, 1912, and being Chapter 40, Acts of 1912.

§ 2. Nothing in this Act shall be construed as invalidating any tax levied, or which should have been levied or any assessment of property for purposes of taxation made or which should have been made prior to the passage of this Act nor as suspending the collection or in any way changing the mode of or the procedure in the collection of any such tax or of any tax which became a lien on any property prior to the passage of this Act. All taxes to be levied and assessed as of the first September, 1913, and all taxes to be collected for the fiscal year ending June 30, 1914, shall be levied, assessed and collected under the laws in force prior to the passage of this Act. In so far as any such taxes, assessments, collections or any tax lien, are concerned, all laws relative thereto in force prior to the passage of this Act, shall be deemed of full force and effect until said taxes to be paid thereunder shall have been paid, or the property subject thereto shall have been sold for the non-payment of said taxes. Nor shall anything in this Act be construed as invalidating or suspending any provision of the law in force prior to the passage of this Act providing for the retrospective assessment of any property for purposes of taxation which should have been assessed prior to the passage of this Act. Nor shall the provisions

of this Act be construed as applying to any suit or action now pending in any court and affecting the validity of any tax. Should the assessment or levy of any tax levied under the laws, in force prior to the passage of this Act, be held to be invalid, on account of any failure of any assessing or taxing official to comply with the requirements of the statutes, said property shall be assessed by the proper officers under the provisions of the law as they existed prior to the passage of this Act.

§ 3. Because of the gross inequalities in the equalization of taxes in Kentucky and the deficit in the State Treasury, an emergency is declared to exist and this Act shall take effect and be in full force after its passage and approval by the Governor.

Mr. Perry offered the following amendment to said substitute:

Amend Article 2, subdivision 2, on page 13 of the printed substitute, by striking out of line 56 and subsection 10 the words "the expenditures of public money."

Amend Article 2, on page 16 of the printed substitute by striking out the words "appointed" in line 11, Section 2, and by inserting in lieu thereof the words "elected or appointed," and by striking out of the same section and the same page in lines 14 and 15 the words "with the approval of the Tax Board."

Said amendment was agreed to.

Mr. H. J. Meyers offered the following amendment to said substitute:

Amend page 19, line 51 by inserting thereafter the following: "Any assessor who shall wilfully or knowingly fail

to perform his duty in the assessment of any property shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to an imprisonment in the county jail for a period of not less than five nor more than ten days and upon a second conviction shall be sentenced for a period of not less than six months and not more than twelve months and shall forfeit his office.

Said amendment was adopted.

Mr. J. T. Webb offered the following amendment to said substitute:

Amend substitute to H. B. 45 by striking out all of Section five of Article 1, subdivision 1 and re-enacting the same so that it will read as follows:

"Each member shall receive a salary of three thousand dollars per annum, payable monthly as other State salaries are paid."

Said amendment was adopted.

Mr. J. T. Webb offered the following amendment to said substitute:

Amend substitute to H. B. 45 by adding to line 4 subdivision 1, Section 1 of Article 2 the following words: "but no two members of the tax board shall reside in the same Congressional District."

Said amendment was adopted.

Mr. Fraser offered the following amendment to said substitute.

Amend Article 2, subdivision 3, Section 2, by adding at the end of said section the following: "Provided that said County Tax Commissioner shall be a resident of the county in which he is elected for at least three years prior to his election."

Said amendment was adopted.

Mr. Saufley offered the following amendment to said substitute:

Amend substitute to subdivision 3, Article 3, line 44, page 19, by striking out the word "October" and inserting in lieu thereof the word "March."

Said amendment was adopted.

Mr. Greene offered the following amendment to said substitute:

Amend by adding at the end of line 32, page 21, the words, "each applicant for Assessor shall be entitled to three public examinations, under the direction of the State Tax Board, at such times and places as it may designate with an interval between each examination of not less than one month."

Said amendment was adopted.

Mr. H. J. Meyers offered the following amendment to said substitute:

Insert after the word "first" in line 14, page 18, the word "or second."

Said amendment was adopted.

The hour of 12:30 having arrived, the House recessed until 2:00 o'clock.

AFTERNOON SESSION.

At 2:00 o'clock P. M. the House reconvened.

The House took up for consideration H. B. 45, the unfinished business from the morning session.

Mr. J. C. Duffy offered the following amendment to said substitute:

Amend Sections 1 and 2 of subdivision 3 of Article 2 of substitute for H. B. 45, by striking out all of Section 1, and lines 1 to 10 inclusive of Section 2, and by inserting in lieu thereof the following:

Section 1. The office of County Assessor is hereby abolished, but this shall not take effect during the terms of the Assessors now in office, and the office of County Tax Commissioner is hereby created, but the Assessors now in office shall have all the powers and shall perform all the duties herein provided for County Tax Commissioners, and such other duties as may be imposed upon them by law, or by the orders of the State Tax Commission.

Section 2. The County Tax Commissioners herein provided for shall be elected at the General Election in the year 1917 at the same time when other county officers are elected, for terms of four years, subject to the qualifications provided in this Act, and shall be eligible for re-election.

Said amendment was adopted.

Mr. Smith offered the following amendment to said substitute:

Amend substitute for H. B. 45 by striking out Section 2 of sub-division 1, Article 3, and insert in lieu thereof the following: "All property shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale."

Said amendment was adopted.

Mr. Kelly offered the following amendment to said substitute:

Amend by striking out all of Section 3 in Article 3, subdivision 1.

The yeas and nays being required thereon by Messrs. Douglas and Kelly, were as follows:

Those who voted in the affirmative were—

Harry Avery	M. J. Farris, Jr.	Griffin Kelly
Elmer L. Brown	John F. Fryer	Simon B. Lott
C. W. Burton	Frank C. Greene	T. T. Mobley
Ed. F. Cecil	E. V. Hall	John A. Polin
John W. Douglas	H. H. Harrington	Dr. T. J. Poteet
H. C. Duffy	H. H. Hays	James T. Webb
Odie Duncan	Dr. S. L. Henry	N. B. White
G. P. Durrett	D. H. Hillman	J. D. Wills

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Those who voted in the negative were—

Peter Ampler	Glover H. Cary	Thomas J. Evans
Wallace Bailey	J. G. Coke, Jr.	W. N. Flippin
Jas. W. Barrall	Benj. L. Cox	Vert C. Fraser
Geo. B. Barrett	James R. Dorman	Ed. Frost
J. M. Billeter	John Drescher	C. M. Gum
Joseph Boitnott	John C. Duffy	Elwood Hamilton
A. T. Bryson	William Duffy	W. L. Hampton

V. D. Hammond	John E. Newman	W. E. Rogers
J. B. Harvey	S. Mazyck O'Brien	B. T. Rountree
W. E. Henninger	A. J. Oliver	S. M. Saufley
J. J. Huff	A. W. Palmer	A. W. Sharp
R.B.Hutchcraft,Jr.	Lyman J. Parrigin	W. A. Shawler
T. R. Jones	Lilburn Phelps	L. M. Smith
John H. Klette	William A. Perry	Adam Spahn
C. R. Luker	W. A. Price	Ed. D. Stone
Dr.J.N.M'Cormack	J. D. Pumphrey	Matt.S. Walton,Jr.
John G. Miller, Jr	Richard Radcliffe	W. M. Webb
J. R. Mount	Dr. W. R. Ray	M. O. Wilson
Zach. L. Myers	Stanley F. Reed	—56

And so said amendment was disagreed to.

Mr. J. C. Duffy moved that the vote by which the amendment offered by Mr. Kelly was disagreed to be reconsidered.

Said motion was disagreed to.

Mr. Greene offered the following amendment to said substitute:

Amend Article 3, subdivision 1, Section 2, by adding subsection A.

Provided, When any person owns real property in this State which is incumbered by purchase money, lien notes, mortgage or other incumbrance, the holder of such lien notes, mortgage or other incumbrance (all of which shall be considered as evidences of title) shall be deemed the owner of said real estate to the extent only that the proportion of such indebtedness bears to the total value of the real estate; but such owner shall not have any right to dispose of said interest in said real estate in any manner whatever, without the written executed consent of the owner of the remaining interest in said land, except as such owner may have authority given by such lien notes, mortgage or other evidence of lien. It shall

be the duty of such owner of lien notes, mortgage or other evidence of title or lien, to list his proportion of said land at the value represented by unpaid indebtedness, and the owner of the remaining proportion of said land shall list such other proportion as may be free from the liens mentioned above for the purposes of taxation. The situs for taxation of the proportionate values of the real estate as above provided shall be in the county where the real estate is situated.

Said amendment was adopted.

Mr. McCormack offered the following amendment to said substitute:

Amend substitute to H. B. 45 by striking out the words "State Tax Commission" wherever it appears in said bill and insert in lieu thereof the words "State Tax Board" and by striking out the word "Commissioners" or "Commission" and insert in lieu thereof "member" or "members."

Said amendment was adopted.

Mr. W. M. Duffy offered the following amendment to said substitute:

Amend Article 3, subdivision 1, Section 6, pages 22 and 23, by inserting in lieu thereof the following:

The Fiscal Court of each county or whatever body may take over the powers thereof, in any county, may, on or before January 1, 1917, provide the County Tax Commissioner with a complete and accurate map of the county showing in such form on such scale and in such details as follows:

All land within the county and the division thereof into tracts, forms, city and town lots or otherwise, also all streams, roads, ponds over four acres, lakes, street railroads

and such other physical features, property boundary lines, and other matters as the Commission may prescribe. This map shall be known as the County Tax Map. The expense of making this map shall be borne by the county.

It shall be the duty of the County Tax Commissioner to revise the map from time to time, to make new copies when necessary and to keep the same up to date, clean, legible and in good condition and the expenses connected with the upkeep of the County Tax Map shall be paid by the county.

Said amendment was adopted.

Mr. Greene offered the following amendment to said substitute:

Amend by striking out the words "the other two to be appointed by the Governor of the State of Kentucky" and insert the following "one of whom shall be the Treasurer of the State of Kentucky and the other one to be appointed by the Governor of the State of Kentucky." Also by striking out the word "two" and the word "him" in line 6, and insert in the place of the word "two" the word "one" and in place of the word "him" insert the word "them" so that the same when amended shall read as follows:

There shall be a State Tax Board composed of three persons, electors of the State, not less than thirty years of age, one of whom shall be the Auditor of the State of Kentucky, and one of whom shall be the Treasurer of the State of Kentucky and the other one to be appointed by the Governor of the State of Kentucky to serve with the said Auditor and Treasurer until the one member who shall serve with them shall be elected by the people of Kentucky at an election to be held as soon as same can be held under the Constitution of Kentucky and under the election laws of Kentucky.

Also by inserting in the place of 'State Tax Commission" the words "State Tax Board" wherever the words "State Tax Commission" appear.

The following amendment, by way of substitute therefor, was offered to the amendment offered by Mr. Greene:

ARTICLE II.

THE STATE TAX BOARD AND COUNTY COMMISSIONERS.

SUBDIVISION I.

THE STATE TAX BOARD.

Section 1. State Tax Board—Membership—There shall be a State Tax Board composed of three members. The Auditor of Public Accounts and the State Treasurer shall be ex-officio members of said board. The other member of said board shall be a qualified elector of the State, not less than thirty years of age.

Section 2. Appointment and Term—The Governor shall, immediately after the passage of this act, issue commissions to the Auditor of Public Accounts and the State Treasurer appointing them members of the State Tax Board, and shall appoint one elector, a resident of the State of Kentucky, of not less than thirty years of age. Said board shall serve until the first day of January, 1916. Thereafter said board shall be composed of the Auditor of Public Accounts, the State Treasurer, and a qualified elector of the State, not less than thirty years of age.

Said qualified elector shall be nominated at the primary election 1915 and elected at the November election 1915, as other State officers are elected.

Section 3. The member of the board appointed by the Governor shall devote his entire time to the duties of his office; shall not hold any other position of trust or profit or engage in any other occupation or business.

Section 4. The member of the board appointed by the Governor shall receive a salary of thirty-five hundred ($3,500.00) dollars per annum, payable monthly as other State salaries are paid.

Section 5. Before the members of the State Tax Board enter upon the discharge of their duties they shall take the oath provided in the Constitution for other State officers.

Section 6. Officers and employes—The Board shall elect one of their number as chairman, and the State Tax Board is authorized to employ a secretary, appraisers, experts, clerks, bookkeepers, stenographers and other assistants and to fix their compensation. The salary of the secretary shall not exceed two thousand dollars per annum and the aggregate expense for the central office force of clerks, bookkeepers and stenographers shall not exceed three thousand dollars per annum. The State Tax Board, secretary, appraisers, experts, clerks, bookkeepers, stenographers, and other assistance that may be employed, shall be entitled to receive from the State their actual and necessary expenses when traveling on business of the board. Such expenses shall be submitted in an itemized claim sworn to by the person who incurred the expense, and the claim must be approved by the board. The aggregate expenses for appraisers and experts, and for traveling expenses shall not exceed five thousand dollars per annum, provided, however, that in any year in which there is to be made a quadrennial appraisement of real estate as hereinafter in this Act provided, the State Tax Board may, with the consent of the Governor, anticipate the allowance for one or more succeeding years, and may use unexpended balances of previous years, but in no case shall the expenditures for this purpose exceed an average of five thousand dollars per annum for any four-year period.

Section 7. Quorum—A majority of the board shall constitute a quorum to transact business and any vacancy shall not impair the right of the remaining members to exercise all the powers of the board so long as a majority remains. Any investigation, inquiry, or hearing, which the board is authorized to hold or undertake, may be held by or before any one member of the board, and any decision or order

made pursuant thereto shall, if approved and confirmed by the board, as shown on the records of the board, be deemed the decision or order of the board.

Section 8. Seal—The State Tax Board shall have an official seal with the words "The Tax Board of Kentucky" and such other design as the tax board may prescribe, engraved thereon, by which it shall authenticate its orders and proceedings.

Section 9. Office Rooms—The Custodian of Public Buildings shall assign to the State Tax Board suitable quarters in the Capitol Building and shall provide the necessary office furniture. The board may purchase the necessary supplies, books, periodicals and maps. All necessary expenses shall be audited and paid as other expenses are audited and paid.

Section 10. The board shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public. The board shall keep a record of its proceedings, which shall be a public record. The board may hold sessions at any place within the State. Provided, however, that sessions at which information required to be kept confidential by subdivision 2, Section 4, of this article, would be disclosed and records of such information shall not be open to the public.

Said amendment by way of substitute for amendment proposed by Mr. Greene, was adopted.

Mr. Smith offered the following amendment to said substitute:

Amend substitute H. B. 45, by adding to Section one of subdivision three, of Article three, the following, immediately after the word "assessment" in the seventeenth line of the thirty-ninth page thereof, to-wit:

"Every owner or proprietor of a bonded warehouse, shall execute a bond on the first day of January of each year, to the State, county, taxing district, city or town, in a sum equal to the amount of the taxes likely to come into his hands, for the payment of said sums to the said State, county, taxing district, city or town, when due and payable, which bond shall be executed before and approved by the Judge of the County Court."

Said amendment was agreed to.

Mr. Greene offered the following amendment to said substitute:

Amend subdivision 3, Section 2, paragraph 1, of substitute House Bill No. 45, by inserting after the word "made" in line 47 on page 41, the following: "and by net income is meant the aggregate amount of net earnings arising from all operations and the net income arising from all outside and other investments."

Also insert after the word "roll," in line 54, on same page 41, the following: "and every company or corporation shall furnish the State Auditor a copy of its printed report to its own stockholders made as of June 30th, of the year in which the assessment is made, if it made such printed report of that date, and if not, then the last printed report which it did make to its stockholders, and it shall also furnish the State Auditor a copy of its report made to the Interstate Commerce Commission showing its income account and disposition thereof for the year ending June 30th, in which said statement is made."

Said amendment was agreed to.

Mr. Jones offered the following amendment to said substitute:

Amend subdivision 3, Section 2, paragraph 8 of substitute H. B. 45, by inserting after the coma, following the word "sale" in line 11 on page 47, these words: "that is, the highest market price per gallon on bond of the different aged spirits on said assessment date of September the first, also the highest market price per gallon at which the different aged spirits sold for in bond during the thirty days preceding the said assessment date, also the highest market price per gallon at which the different aged spirits sold for in bond during the year preceding said assessment date."

Said amendment was agreed to.

Mr. Greene offered the following amendment to said substitute:

Amend Article 3, subdivision 3, Section 2, paragraph 1, of substitute H. B. 45, by striking out the words "September first" in line 27, page 40, and inserting in lieu thereof the words "June 30th."

By striking out the words "September first" in line 28 on page 40 and inserting the words "June 30th."

By striking out the words "September first" in line 39 on page 41 and inserting the words "June 30th."

By striking out the words "September first" in line 46, on page 41, and inserting the words "June 30th."

Said amendment was agreed to.

Mr. Phelps offered the following amendment to said substitute:

Amend substitute to H. B. 45, Article 3, subdivision 1, Section 19, by striking out on page 30 the words "but the State Tax Commission may direct the use, solely for the purposes of uniformity, in ascertaining the fair cash values

of standard or basing values per unit of land measurements for the valuation of real estate hereinafter on this act provided," and insert in lieu thereof the following:

"In ascertaining the fair cash value of real estate, as hereinafter in this act provided, the State Tax Commission, solely for the purpose of uniformity, may direct the use of standard or basing values per unit of land measurements."

Said amendment was agreed to.

Mr. Hamilton offered the following amednment to said substitute:

Amend Article four, subdivision 2, Section 1, page 61, by adding at the end of said section the following: "Provided, however, that this Act shall not be construed as affecting the present State Board of Equalization prior to January 1, 1915, but during the year 1914 the State Board of Equalization as constituted prior to the passing of this Act shall have all of its powers and provisions heretofore given to it by law.

Said amendment was agreed to.

Mr. Greene offered the following amendment to said substitute:

Amend by adding to Section 3, subdivision 2, page 61, Article 4, "That prior to annual session of each county board of tax supervisors, the State Tax Board will receive from the County Assessors and said assessors shall report their assessments to said State Tax Board, which board will supervise the assessments and report to the several county Boards of Tax Supervisors such re-assessments as in its opinion may be necessary and the county supervisors will at their first annual session equalize same."

Said amendment was adopted.

A message was received from the Governor, announcing that he had approved and signed a bill which originated in the House, of the following title:

H. B. 30. An Act to require officers and employes of the Commonwealth of Kentucky to furnish an itemized statement to the Auditor of Public Accounts, of their traveling and incidental expenses while in the performance of public duties required of them by law, and providing for the payment thereof.

A message was received from the Governor announcing that he had approved and signed resolutions which originated in the House, of the following titles:

H. Res. 19. Resolution for the benefit of M. C. Tilford and Leaman Watkins.

H. Res. 29. Resolution providing for the unveiling of statue of William Goebel, Kentucky's Martyred Governor, and appropriating two hundred dollars therefor.

A message was received from the Senate announcing that they had passed a bill which originated in the House, of the following title:

H. B. 40. An Act to regulate the making, drawing, uttering or delivering of checks, drafts or other orders for the payment of money and fixing the penalties for the violation thereof.

Mr. Ray moved that the session be extended indefinitely.

Said motion was disagreed to.

Mr. Hamilton moved that when this House adjourn it be to meet at 7:30 p. m.

Mr. Douglas moved by way of an amendment to said motion, that when this House adjourn at 5:00 o'clock, it be to reconvene at 7:30 p. m. for the purpose of considering H. B. 45 only.

Said motion by way of amendment was agreed to.

The hour of 5:0 o'clock having arrived, the House adjourned to re-convene at 7:30 p. m.

EVENING SESSION.

At 7:30 p. m. the House re-convened.

The House took up for consideration the unfinished business of the afternoon session, viz.: H. B. 45.

Mr. Hutchcraft offered the following amendment to substitute for H. B. 45:

Amend Section 24 of subsection 1 of Article VI of substitute for H. B. 45, by adding at the end thereof (page 76, line 8) the following words: "and such release shall relieve said property from any lien that may exist for any taxes on other property of the same taxpayer."

Said amendment was adopted.

Mr. Hutchcraft offered the following amendment to said substitute:

Amend Article 8 of substitute H. B. 45, by inserting after Section 9 on page 87, the following:

Section 10. Penalty for Members State Tax Board—The members of the State Tax Board who are authorized by law to assess values for taxation shall assess all property at its fair cash value, and any such officer who shall commit any wilful error in the performance of his duties, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum from five hundred dollars, and forfeit his office, and the judgment of conviction shall recite the said forfeiture of office which shall be considered a part of the penalty and of the judgment thereon. The fines herein provided against the members of the State Tax Board may be recovered and the forfeiture of office had, in the Franklin Circuit Court, or in the circuit court of the county wherein the violation of the law occurred.

Section 11. Penal Action by Any Taxpayer—Any taxpayer residing in the Commonwealth may, in the circuit court having jurisdiction, institute in the name of and on behalf of the Commonwealth, a penal action for the recovery of the fines prescribed against members of the State Tax Board in the preceding section, and when the fine has been paid the taxpayer who instituted such suit shall be entitled to fifteen (15) per cent of said fine, to be paid by the State Auditor when the fine is reported and paid to him.

Said amendment was adopted.

Mr. Perry offered the following amendment to said substitute:

Amend Article IX by adding at the end thereof, the following: "Provided, that any person, firm or corporation who is the owner or holder of any notes, accounts, bonds, mortgages or securities, which have never been assessed for taxation, who shall voluntarily produce same to the assessor to be stamped 'assessed by assessor' as of the first day of September of the year in which this law goes into effect,

shall not be liable for the payment of any back taxes thereon to the State, county, municipality or taxing district."

Said amendment was agreed to.

Mr. Polin offered the following amendment to said substitute:

Amend substitute to H. B. 45 by striking out Article 9 on page 88.

Said amendment was agreed to.

Mr. W. M. Duffy offered the following amendment to said substitute:

Amend Article 10, Section 1, line 4, by striking out the following: "Sections 4115, to and including 4168," and inserting in lieu thereof the following: "Section 4115 and including Section 4148a."

Said amendment was agreed to.

Mr. Perry offered the following amendment to said substitute:

Amend Article 10 by adding after the word "act" line 26, page 89, the following: "Nothing in this act shall be construed as affecting the assessment of Building and Loan Associations, and it is hereby declared that the franchise, privileges and all property of building and loan associations and shares of stock in same are fully covered by the provisions of Section 4093 and 4094, Kentucky Statutes."

Said amendment was agreed to.

Mr. Drescher offered the following amendment to said substitute:

Amend Article 10 following the words "forty-one sixty-eight" in line fifty, page 88, Section forty-one fifty-one and two, land sold for taxes," by adding after the words "purchaser other than the State, county and district," who shall not be a non-resident, or a corporation without having an attorney in fact, or an agent with the power of attorney at the place of sale.

Said amendment was agreed to.

Mr. Hamilton offered a substitute for said substitute and H. B. 45 and all pending amendments.

By the unanimous consent of the House Mr. Hamilton was permitted to withdraw said substitute for said substitute for H. B. 45 and all pending amendments.

Mr. Greene moved that said substitute for said substitute to H. B. 45, and all pending amendments and the original bill be tabled.

The yeas and nays being required thereon on said motion to table, were as follows:

Those who voted in the affirmative were—

Harry Avery	Benj. L. Cox	John F. Fryer
Wallace Bailey	George T. Davis	Frank C. Greene
Jas. W. Barrall	H. C. Duffy	C. M. Gum
J. M. Billeter	Odie Duncan	H. H. Harrington
A. T. Bryson	G. P. Durrett	J. B. Harvey
C. W. Burton	M. J. Farris, Jr.	H. H. Hays
Ed. F. Cecil	W. N. Flippin	W. E. Henninger

J. M. Johnson	Dr. W. R. Ray	James T. Webb
John A. Judy	B. T. Rountree	N. B. White
Simon B. Lott	A. W. Sharp	J. D. Wills
C. R. Luker	W. A. Shawler	M. O. Wilson
Geo. M. McDowell	L. M. Smith	Douglas G. Wood
A. J. Oliver	Ed. D. Stone	
Lilburn Phelps	Louis Tieman	—40

Those who voted in the negative were—

Joseph Boitnott	R.B.Hutchcraft,Jr.	Lyman J. Parrigin
Elmer L. Brown	T. R. Jones	William A. Perry
Glover H. Cary	Griffin Kelly	John A. Polin
J. G. Coke, Jr.	John H. Klette	Dr. T. J. Poteet
James R. Dorman	William J. Kuh	W. A. Price
John W. Douglas	Dr.J.N.M'Cormack	J. D. Pumphrey
John Drescher	John McDyer	Richard Radcliffe
John C. Duffy	W. T. McNally	Stanley F. Reed
William Duffy	T. T. Mobley	S. H. Rogers
Thomas J. Evans	J. R. Mount	S. M. Saufley
Vert C. Fraser	Harry J. Meyers	Adam Spahn
Elwood Hamilton	Zach. L. Myers	Matt.S. Walton,Jr.
W. L. Hampton	John E. Newman	James T. Webb
V. D. Hammond	S. Mazyck O'Brien	Roy S. Wilson
D. H. Hillman	A. W. Palmer	—44

And so said motion to table was disagreed to.

Mr. Reed moved that the House do now adjourn.

Said motion was disagreed to.

Mr. Coke offered a substitute for the substitute to H. B. 45 and all pending amendments.

Mr. Douglas moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 6, 1914.

The House was opened with prayer by the Rev. Benj. Andres, of the Southern Presbyterian Church, of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Hamilton moved that when this House recess at 12:30 it be to convene at 2:00 P. M. today.

Said motion was agreed to.

Mr. Hamilton offered the following resolution:

Resolved, That there be evening sessions of the House to convene at 7:30, continue in session until 10:30 on Friday, Monday, Tuesday, Wednessday and Thursday of each week, to consider orders of the day only.

Said resolution was unanimously agreed to and adopted.

Mr. Hamilton offered the following resolution:

Resolved, That debate on all questions be limited to five minutes, except that the author of any measure or resolution, or any one designated by him may have twenty minutes to explain the measure and its opponent twenty minutes in opposition to the bill.

Said resolution was unanimously agreed to and adopted.

The House took up for consideration the unfinished business of the session of last evening, viz.: A bill entitled H. B. 45. An Act to revise a part of the revenue laws of this State, and to repeal certain sections of Carroll's Statutes of Kentucky, Edition of 1909, and subsequent acts amendatory thereof, all relating to Revenue and Taxation.

Mr. Coke offered the following substitute for the substitute of the Committee on Revenue and Taxation, for H. B. 45, offered by said Committee on February 20, 1914, the original bill and all pending amendments to said committee substitute.

Said substitute offered by Mr. Coke reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Property Assessed by State Tax Commission.—Every corporation organized under the laws of Kentucky whether doing business in this State or not, and every corporation organized under the law of any other State or country, doing business in Kentucky, except religious, benevolent, and other associations, not organized for profit, whose property is exempt under the constitution of this State, is hereby declared to possess a taxable franchise, and said franchise is property subject to taxation as any other property under the provisions of this Act. But the franchises of banks and trust companies, are hereby declared to be covered by and included in the assessment of the shares of stock elsewhere in this Act provided for, and shall not be again assessed and taxed. The word "company" as used in this subdivision, shall include any corporation, joint stock company, association, partnership, firm, or individual engaged in the business specified.

All franchises; all property of railroads, including interurban and street railways, whether tangible or intangible;

the shares of stock in all banks and trust companies; all property, tangible and intangible, of railroad bridge companies; all property, tangible and intangible, of turnpike companies; all property, tangible and intangible, of all telephone and telegraph companies, of all car companies, of all express companies, of all oil pipe line companies, of all gas companies, of all electric light companies, of all electric power companies, of all press dispatch companies, and also of all other corporations, companies, or associations, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, whenever any of said companies, have property lying in two or more counties; the franchises, but not the tangible property, of public utilities operating in only one county; and all distilled spirits in bonded warehouses shall be assessed by the Board of Valuation and Assessment.

The assessments so made shall be entered on a State assessment roll, hereinafter provided for, and shall also be apportioned by the Board of Valuation and Assessment to the counties, cities and other taxing districts where the property is located and entered on the county, city and other assessment rolls. The State taxes thereon shall be paid directly to the State Treasurer upon order of the Auditor of Public Accounts, all local taxes thereon shall be paid as other local taxes are paid. No other assessment for general State or local taxation be made on property of this kind.

§ 2. Reports to State Tax Commission. For the purpose of aiding the Board of Valuation and Assessment in making these assessments, every corporation, company, or person owning or having control of any of the property named in Section 1 of this subdivision including franchises and tangible property, shall file with the board a report in such form and in such detail as the board shall prescribe. These reports, except as otherwise specifically provided, shall be due September first, and delinquent ten days thereafter in each year.

The reports from the different classes of taxpayers herein required to report shall contain the following information and such other information as the board shall deem necessary. The board shall prescribe the form of the report and may provide different forms for different classes of corporations and companies and shall furnish printed blank forms for the making of the report.

Subsection 1. Reports on Franchises.—Every railway company or corporation, and guarantee or security company, gas company, water company, pipe line company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace car company, dining car company, sleeping car company, chair car company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, also every corporation organized under the laws of Kentucky, whether doing busines in this State or not, and every corporation organized under the laws of any other State or country and doing business in Kentucky, except banks and trust companies, elsewhere in this Act provided for, whose franchises are hereby declared to be covered by the taxes otherwise computed, and except, further, religious, benevolent and other corporations not organized for profit, whose property is exempt under the Constitution of this State, and including further every person, firm, partnership or association exercising, or possessed of the right to exercise, any special or exclusive privilege or franchise granted by the Commonwealth or by any county, city or other governmental authority, or performing any public service, shall, in addition to the taxes imposed on its tangible property by law, annually pay a tax on its franchise to the State and a local tax to the county,

incorporated city, town or taxing district where its franchise may be exercised and shall file with the said board a report on its special franchises and on its corporate franchise setting forth the following facts as of June thirteenth in the year for which the report is made, or for the year ending June thirteenth as the case may be, viz.: the name and principal place of business, the State or country under the laws of which it is organized; the name and potsoffice address of its officers or agents in this State, and the name and postoffice address of the officer or agent who is charged with the duty of paying taxes; the kind of busines engaged in; the number and par value of the shares of capital stock, preferred or common, authorized; the number of shares of capital stock issued and outstanding; the amount paid thereon in cash and the amount paid in in property or other considerations; the highest price at which any such stock has been sold or transferred by the company or by any stockholder at a bona fide sale within twelve months preceding the thirteenth day of June in the year in which the statement is made; or if no sale has been made, the amount at which any bona fide offer of sale or of purchase was made; the amount of surplus funds and undivided profits and the value of all other assets; the amount of all indebtedness, showing separately the bonded debt, mortgages, notes and all unsecured or other indebtedness; the gross receipts and the net income, from all sources for twelve months, next preceding June thirteenth in the year in which the statement is made; the expense incurred for the same period; the amount, kind and true cash value of all tangible property taxable in this State, and where situated and assessed, or liable to assessment; the amount and true value of all non-taxable property owned; the assessed value of all property, other than the franchise, owned on the thirteenth day of June, whether acquired since assessment in the name of the company or person reporting as assessed on

the last completed State or county assessment roll; and any and all other facts which the said board shall require.

Subsection 2. Interstate Companies.—In the case of corporations or companies doing business in this State and in other States, except railroad companies, telegraph and telephone companies, car companies, express companies, and all other companies doing a public service, each company shall report the total amount of business done both within and without this State and the amount done within this State, also what proportion, as nearly as may be ascertained, of its aggregate capital is invested and used within this State, what proportion of its employes are employed within the State, and how many agents or business correspondents it has within this State.

Subsection 3. Railroad and other companies to report additional items.—Railroad companies, telegraph and telephone companies, car companies, express companies, pipe line companies, and all other companies doing a public service, and doing busines both within this State and in other states, shall, in addition, report the length of the entire lines owned and operated both within and without the State, and the length of the said lines within the State; also, the length of the lines owned but not operated and by whom operated, both within and without the State; also the length of the lines operated but not owned, and by whom owned, within and without the State; also the length of the lines owned and operated, owned but not operated, and operated but not owned, in each county, city, incorporated town, school district, or other political subdivision possessed of the power to levy taxes, in this State.

Subsection 4. Net and Gross Receipts.—They shall also report the gross and net receipts within and without the State, including among the receipts within this State, that proportion of the receipts from interstate business reasonably attributed to this State. The gross receipts attributable to this State shall include the receipts from business beginning and

ending in this State, and that proportion of the receipts from interstate business, which the mileage of the roads, lines, or routes over which such interstate business is done within this State, bears to the total mileage over which such business is done.

Subsection 5. Railroad to Report on Physical Property. —Railroad companies operating within the State, including interurban and street railways, shall, in addition to the facts required concerning the franchises, report the following facts concerning the physical property:

a. The whole number of miles of railway owned and operated in the State, and, where the line is partly within and partly without the State, the whole number of miles within and the whole number of miles without, owned and operated by the company reporting.

b. The whole number of miles owned but not operated, and by whom operated, both within and without the State.

c. The whole number of miles operated but not owned, and by whom owned, both within and without the State.

In regard to lines owned but not operated, or operated but not owned, a statement showing who, under the terms of the lease or other operating is responsible for, or will assume, the payment of the taxes which may become a lien on the property.

d. The number of miles of right of way, showing separately that used and unused, in this State, and in each county, city, incorporated town, school district, or other political subdivision possessed of the power to levy taxes, in this State, showing separately, also, the right of way for main line, and that for spurs, wyes, sidings, and other track appurtenances, and the width of all rights of way, with a general description thereof.

e. A description of the road bed, rails, bridges, of any double track, of spurs, wyes, sidings, and other track appurtenances; of signal systems, telegraph lines, telephones, and

other applicances for communication; of any terminal facilities within this State; all by convenient, or by recognized division, lines, or sections of the road, and by political subdivisions of this State, together with the value thereof per mile of rights of way in each political subdivision of this State.

f. The depot grounds and buildings, other lands and buildings, or structures, all section houses, barns, warehouses, packing houses, elevators, and other structures on or off the right of way, and the value thereof in each political subdivision of this State.

g. The number, kind, and value of all rolling stock owned or hired and used on the entire system operated, and the proportion thereof used within the State, together with the value of each kind and class used on the entire system and of such used within this State.

Subsection 6. Statement to be Filed But Once.—Whenever a complete statement of the above items, (a) to (g) inclusive, has once been filed to the satisfaction of the said Board, no annual re-statement thereof need be filed thereafter, unless required by the Commission, but all changes which may be necessary to keep the statement up to date and true for each succeeding year, shall be reported annually.

Subsection 7. Other Public Utilities to Report Tangible Property.—All telephone and telegraph companies, all car companies, all express companies, all oil pipe companies, all gas companies, all electrice light companies, all press dispatch companies, and also all other corporations, companies, or associations, having or exercising any special or exclusive privilege or franchises not allowed by law to natural persons, or performing any public service whenever any of said companies have property lying in two or more counties, shall report, in addition to the report above provided for, all their tangible property in such form and in such detail as the said board shall describe, including all

rights of ways, poles, wires, pipes, conduits, cables, switchboards, telephone and telegraph instruments, batteries, generators, and other electrical appliances, all exchange and other buildings and lands, canals, tunnels, ditches, flumes, aqueducts, dams, reservoirs, water sources and water rights, transformers, substations, gas holders, gas and electric generators, meters, gas and electrical appliances, oil tanks, power plants, pumping plants, pipe lines, power houses, cars, and other rolling stock, trucks, wagons, horses, harnesses and safes, and all other physical, tangible and intangible property of every sort and description. And all such companies shall further, upon the demand of the said board, furnish any map or other descriptions of its properties which said board may require.

Subsection 8. Local Officials to Report Boundaries of Districts.—The said board may require any State, county, city or town, or district officials having knowledge of the same to file a statement or a map showing where the railroad or other public utility crosses the boundary when entering or leaving their counties, cities, towns or districts, and upon application of any railroad or other public utility shall furnish such railroad or other public utility with a copy thereof.

Subsection 9. Bank to Report What.—It shall be the duty of the president, cashier or other chief officer of each bank or trust company, organized under the laws of this State, or under the laws of the United States, or of any other State or country and located in this State, to make and deliver to the said board a verified statement, in such form and detail as the board shall prescribe, showing the following facts: The name and post office address of the bank or trust company the name of the president, cahier and directors and their post office addresses; the number of shares of the capital stock; and the par value thereof; the amount paid in on the capital stock; the amount of the surplus and of the undivided profits; the market value of each share of stock; the amount

and value of all real estate situated in this Commonwealth, held and owned by the bank or trust company and the assessed value thereof; all the assets and liabilities; the loans and deposits; and such other information as the said board shall require. The items shall all be reported as of the close of business on the first day of September or on the nearest business day thereto. Provided, that, in each year when there is to be a revaluation of real estate affecting any real estate owned by any bank, that bank may postpone reporting the assessed value of such real estate until the revaluation shall have been completed, but it must, in the report above provided for, state the true value of, and give a description of the real estate.

Subsection 10. Railroad Bridge Companies to Report.—Railroad bridge companies shall report, in addition to the information required in the report on their franchises, the following information concerning their tangible property. The location of the bridges, a description of the structure, and of all rights of way leading thereto, all other real estate owned, including all buildings and structures, all machinery and all personal property, the railroad companies using the bridge or bridges and the terms of such use, and such other items as the said board shall prescribe.

Subsection 11. Turnpike Companies to Report.—Every turnpike company shall, in addition to the report required on the franchise, make a report on the tangible property, showing the whole length of the road, the length of the road in each county, the width of the right of way, all real estate owned, all buildings or other structures, machinery and tools and such other matters and things as the said board shall require.

Subsection 12. Reports on Spirits.—Every owner or proprietor, whether a corporation, a partnership, or other, of a distillery bonded warehouse in which distilled spirits are stored shall, between the first day of September and the first day of October of each year, report the quantity and

kind of spirits in such warehouse on the first day of September in the year in which the statement is required to be made, the dates when the spirits were made, the county, city, town or taxing district in which the warehouse is situated, whether or not the United States Government tax has been paid thereon, if not, the date of expiration of the bonded period, the fair cash value of the spirits, estimated at the price it would bring at a fair voluntary sale, and such other facts as the said board may require.

§ 3. Verification.—All statements or reports, required under Section two above, shall be verified. In the case of a corporation, the verification shall be by the president, cashier, secretary, treasurer, manager, resident agent, or some other chief and responsible officer, receiver, assignee, trustee, administrator, executor or other person in control, whose affidavit shall be satisfactory to the said board. In the case of individuals, firms or partnerships, by theowner or a member of the firm or partnership.

§ 4. Assessment, How Made in Case of Failure to Report.—If any company or person, required to make the report provided for in Section two of this subdivision, shall, after demand, therefor, fail or refuse to furnish the said board, within the time prescribed in this Act, the verified report required to be made, the board shall make a note of such failure in the assessment roll of the State hereinafter in this Act provided for, and shall make an estimate, from the best information it can obtain, of all matters and things, required to be reported, and shall make an assessment of the franchises, shares, or other property to be assessed. This assessment shall be known, for convenience as an arbitrary assessment, but shall be as fair and equitable as possible. The board shall send notice of this assessment to the last known post office address of the company or person assessed and shall allow the company or person ten days in which to show cause why the assessment should not be final. After the lapse of ten days

the assessment shall be final, unless cause for correction be shown.

Subsection 2. Penalty for Failure to Report.—If in any succeeding year the company or person again fail or refuse to report, the same procedure shall be followed, and a penalty equal to the tax shall be added thereto to be collected in the same manner as the tax is collected. For each subsequent failure, the tax and penalty shall be an amount equal to the tax plus twice the penalties imposed the preceding year.

Subsection 3. Company's Penalties.—Any company wilfully failing or refusing to make and furnish any report prescribed in this Act, or rendering a false or fraudulent report, shall be gulity of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each offense.

Subsection 4. Officers' Penalties.—Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this Act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or to be imprisoned not exceeding one year in the county jail of the county where said report was verified, or be subject to both said fine and imprisonment, at the discretion of the jury.

§ 5. How Franchises Are to be Assessed.—In making the assessment of franchises, the said board shall, from the reports of the companies and persons required to be filed, as provided in this subdivision, or from any other available sources of information, fix, according to its best judgment, the value of the aggregate capital stock employed by the company or person within this State, whether such capital stock be represented only by the shares of common or of preferred capital stock in the narrower sense of the term "capital stock," or also by bonds, notes or other securities used to

obtain funds, or capital stock in the broader sense of that term, used in the conduct of the business.

Subsection 2. Determination of Capital Stock.—In thus determining the value of the aggregate capital stock, the said board may consider the prices at which the shares of capital stock, the bonds or other securities were sold or transferred, or at which they have been quoted for sale or purchase. It may also consider the earnings of the company available for dividends, the interest promised and that being paid, or available to be paid, upon bonds, and all other profits or receipts. It may consider also any other related facts pertinent to a determination of the true value of the aggregate capital stock. It shall especially consider the fact of incorporation, the ownership, enjoyment, or exercise of any special privileges, patents, or other rights, and the existence of contracts and business agreements and business connections and other similar factors, contributing to the value of the aggregate capital stock.

Subsection 3. Interstate Business of Non-utility Companies.—In the case of corporations or companies other than railroads, telephone and telegraph companies, car companies, express companies, pipe line companies, and other public service companies, doing business in other States as well as in this State, the said board shall determine the value of that part of the capital stock which is used in this State. In making this determination, the said board may consider: The gross and net receipts within and without the State, including among the receipts within this State that proportion of receipts from interstate business reasonably attribute to this State; the actual investment of capital within this State, in land, buildings, machinery and other property; the number of employes, agents, business correspondents and the like within this State; and any other facts pertinent to a fair and equitable apportionment of the capital stock to this State.

Subsection 4. Interstate Public Utilities.—In the case of railroads, telegraph and telephone companies, car companies, express companies, pipe line companies, and other public service companies, the road, lines and routes of which extend beyond the State, the said board shall fix the value of the aggregate capital stock of the company, both within and without the State, and shall determine what proportion thereof is used within the State. In determining the value of the capital stock used within this State, the board may consider the ratio of the number of miles of road, lines or routes operated within the State to the total number of miles of road, lines or routes operated both within and without the State. It may also consider the ratio of gross receipts within the State to the total gross receipts within and without the State. In considerating gross receipts, it may attribute to this State all receipts from business beginning and ending in this State, and that proportion of the gross receipts from interstate business which the mileage of roads, lines, or routes, over which such interstate business is done within the State, bears to the total mileage over which such business is due. It may also consider what allowance or deduction, if any, should be made for parts of the capital stock invested in other roads, lines, or routes not operated as part of the system entering this State, or which is invested in property or used in business of another character, or otherwise not representing any part of the system operated in direct conjunction with the roads, lines or routes entering this State. It may also consider what additions should be made to the portion of the capital stock deemed to be used in this State, or to portion outside the jurisdiction of the State for plants, works, or other special facilities within, or, respectively without the State, for differences in the original cost, present value or earning power of different parts of the system. It may also consider any other facts pertinent to a fair and equitable determination

of the proportion of the aggregate capital stock used within this State.

Subsection 5. Kentucky Companies Operating Outside the State.—If any company of the kinds named in this section being a company organized under the laws of this State have all its rails, lines, or routes outside of this State, the said board shall fix the value of its entire capital stock as hereinbefore provided, and apportion to this State for taxation therein the proper proportion and not less than one per cent. of its said capital stock, and the amount so apportioned shall be the value of its intangible property, including its corporate franchise, stocks, bonds, securities and choses in action, subject to taxation in this State and in the county, city, town and district where its principal place of business in this State may be located.

Subsection 6. Franchises—How Measured.—From the value of the aggregrate capital stock of each company as determined by the said board, there shall be subtracted the assessed value of all tangible property taxed in this State, whether assessed by the county assessor, or by the said board itself, and the value of all non-taxable property in this State belonging to the company. The difference or remainder shall be considered the value of the intangible property of the company, or the value of the franchise as the term "franchise" is used in this Act.

§ 6. Commission to Assess Physical Property.—The said board shall each year value and assess the physical or tangible property within this State of all the corporations, companies enumerated in Section one of this subdivision and shall determine the amount thereof in each political subdivision of the State having taxing power. In determining the value of the physical property, the said board shall be guided by the reports required to be made under this Act, but it may take into consideration any and all other sources of information available. It may inspect the property and may send its duly

accredited representatives to do so. The Railroad Commission shall grant to the said board access to any and all of its files and records bearing upon the value of railroads.

§ 7. Assessment of Bank Shares.—The shares of the capital stock of all banks and trust companies, doing business in this State, shall be subject to taxation, both for State and local purposes, in the same manner and at the rates as other property is taxed, and upon the basis of valuation and assessment hereinafter in this section provided for.

The said board shall each year value and assess the shares of the capital stock of all banks and trust companies doing business in this State. The shares of the capital stock of the banks shall be assessed and taxed in the city or town where the bank is located and not elsewhere. The assessment and taxation of the shares of stock of banks organized under the laws of the United States shall not be at greater rate than is assessed upon the shares of stock of other banks and trust companies in this State. In making the assessment, the board shall, first determine the actual value of the shares, and shall then deduct therefrom the assessed value of any real estate situated in this State and owned by the bank or trust company in its own right. The shares of the capital stock of all banks and trust companies shall be assessed to the owners or holders thereof. But it shall be sufficient to describe the owners or holders as the "owners or holders of the shares of stock in the bank of ....." inserting the name of the bank. The banks shall be liable for all taxes on the shares and shall act as the agent of the shareholders for reporting the value of the shares, and shall pay the taxes on behalf of the shareholders.

In the case of banks not having shares of capital stock, of agencies or branches or banks not incorporated under the laws of this State and of any analogous banking houses, the said board shall assess the moneyed capital used in this State by each such bank, agency, branch or other banking house.

The shares of capital stock of solvent banks in liquidation shall be assessed as the shares of other banks are assessed. The shares of insolvent banks in liquidation shall be assessed at, as nearly as may be, the amount that will be realized by the shareholders after liquidation has been completed.

§ 8. The State Assessment Roll.—On or before January first in each year, the State Board shall make an assessment roll or book or books, to be known, for convenience, as "the State assessment roll," and shall enter therein the names of the taxpayers whose property has been assessed by them as provided in Section one of this subdivision, together with their last known post office addresses, and the kind and assessed value of the property assessed by it. It shall deliver the State assessment roll when completed to the Auditor of Public Accounts, who shall extend the State tax against the property shown therein.

§ 9. Assessments Apportioned to Counties.—All assessments made by the said board shall, by the same, be apportioned to the counties in which the property so assessed has its situs. The said board shall, on or before January first in each year, certify to each county clerk, the names of the taxpayers whose property has been assessed and apportioned to the counties within his district, or county, together with the last known post office addresses of the taxpayers, the kind and assessed value of the property assessed by the board, and such other details as the board shall deem necessary. The county clerk shall enter the assessments so certified to him in a part of the assessment roll book or books of the county, to be designated "the roll of property assessed by the State Board of Valuation and Assessment," and shall segregate the same to the different taxing districts within the county. The county clerk shall, as hereinafter in this Act provided, extend against this property all taxes to which it is subject, save and except the State tax, and he shall make no entry of the State tax on this part of the roll. In making

the apportionment to the counties, cities, or other taxing districts, of the assessment of the franchises of railroads and other public service corporations, companies, and associations named in Section 1 of this subdivision, when the same are operating or have property lying in two or more counties, the said Board shall make that apportionment on the basis of the miles of rails or lines within each county, city, or other taxing district. The tangible property of such corporations, companies, or associations, except rolling stock and similar movable tangible property, shall be assessed where it lies. Rolling stock and similar movable tangible property shall be apportioned on a mileage basis over the lines where it is used. The assessments so made and apportioned, and no other, shall be the basis of taxation of said franchises, in the counties cities and other taxing district.

§ 10. Notice of Time for Hearings.—On or before the first day of December in each year, the said board shall complete the assessment and shall publish a notice in one daily paper published at the State Capital, one daily paper having a general circulation in the eastern part of the State, one having a general circulation in the central part of the State, and one having a general circulation in the western part of the State, stating that it has completed the assessment of property to be assessed by the said board and that the assessment roll thereof will be delivered to the Auditor of Public Accounts on the first day of January, and will on that day certify the assessments to the tax commissioners for insertion in the county rolls, and that if any corporation, company, person, firm, partnership, or association is dissatisfied with the assessments made by the board, it may at any time before the first day of January apply to the board to have the same corrected in any particular. The board shall have power at any time before the first day of January to correct the State assessment roll and to raise or lower any assessment therein of its own motion, or on application as above provided, if, in its

judgment, the evidence presented or obtained warrants such action.

§ 11. Powers of the Board.—The State Board of Valuation and Assessment shall make careful investigation to ascertain the true value of property to be assessed by them, and at any time and place they are empowered to summons and swear witnesses and compel the production of books and papers for their examination. They shall carefully investigate the property of all persons, firms, corporation and associations, where it is made their duty to make an assessment of such property, and they are empowered to summons witnesses, including the officers, members or employes of any such firm, corporation or association, and compel them to appear before the board and be sworn to answer such questions as may be asked them by the board. The board shall also have power to compel such officers, members or employes to produce all books or papers touching the business of such concern, and they shall have the right to examine all books and papers of any such firm, corporation or association, and they shall keep a record of all such information so obtained by them to be used by them in ascertaining the fair cash value of the property of such firm, corporation or association, estimated at the price it would bring at a fair voluntary sale. Said board is hereby empowered to employ experts, and all that the said board may do under the provisions of this section may be done by them through such experts, and said experts shall perform such other duties as may be required of them by said board, and such information as may be submitted to the board by said experts touching the affairs of any such firm, corporation or association may be considered by the board in assessing the property of such firms, corporations or associations. Said experts, before entering upon the discharge of their duties shall take an oath that they will faithfully perform their duties according to law, and they shall execute bond in the sum of five thousand dollars for the

faithful performance of their duties, which bond shall be approved by the Attorney General and filed with the Secretary of State. Said experts shall reside at the seat of government, and when away on official business they shall be paid their necessary traveling expenses out of the State Treasury, but before the payment of such expenses, they shall submit to the Auditor a verified and itemized account approved by the State Board of Valuation and Assessment. Said board shall fix the salary of such expert or experts, and same shall be paid monthly the same as other salaries out of the State Treasury upon the certificate of said board, but the total amount expended by said board for this purpose shall not exceed ten thousand dollars in any one year.

§ 12. Duty of Board to Furnish Blanks.—The State Board of Valuation and Assessment shall prescribe all blanks to be used by the county assessor in each county, and may change such blanks from year to year as said board may deem best. Said board may prepare separate blanks for different kinds or classes of property, and shall cause to be printed on such blanks questions to be answered by the taxpayer which are calculated to elicit from each taxpayer information as to the amount and value of the property assessed by him. Such blanks shall contain the oaths which the taxpayer is required to take together with any other matter that the board may deem necessary. Before such blanks are printed, the form and substance thereof shall be submitted to the Attorney General and approved by him. All necessary blanks shall be furnished to the assesser in each county before the first day of September in each year, and he shall use same in making assessment of property in his county, and if he fails to follow the directions contained therein in assessing the property in his county, he shall be guilty of a misdemeanor, and upon conviction he shall fined not less than ten dollars nor more than fifty dollars.

§ 13. Oath of County Assessor.—Each county assessor, before he enters upon the duties of his office, in addition to the oath prescribed by the Constitution, shall take the following oath:

"I do swear that I will administer to every person listing property of any description the oath prescribed by law; and do further swear that I will, to the best of my skill and judgment, from the information furnished me by the taxpayer, and from such other information as I may be able to obtain, fix the value of all property to be listed by me at its fair cash value estimated at the price it would bring at a fair voluntary sale, without favor or partiality; and I will diligently search and inquire for information that will enable me to fix the value of all property in my county at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and that I will only consider the list given by any taxpayer as evidence of the value of the property so listed, and will not consider same conclusive unless, upon strict inquiry, I find same to be correct."

§ 14. Assessor Must Assess.—When the taxpayer has answered all questions propounded to him by the assessor, and his answers have been duly recorded in the blanks left for that purpose, the assessor shall enter in a column left for that purpose the fair cash value of the property owned by the taxpayer, estimated at the price it would bring at a fair voluntary sale. The answers given by the taxpayer shall not be deemed conclusive as to the value of the property listed, but the assessor shall fix the value on said property from the information furnished by the taxpayer and from such other information as he may obtain in relation thereto.

Any assessor failing to comply with the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction, be fined twenty-five dollars, and any taxpayer failing to disclose his entire property to the assessor or making a false answer as to the value of his prop-

erty, shall be deemed guilty of a misdemeanor, and, upon conviction, fined not less than twenty-five dollars nor more than one thousand dollars.

§ 15. Oaths to be Taken by Taxpayers.—Before asking the taxpayer the questions contained on the blanks furnished by the board, and such other questions as the assessor may desire to ask, the assessor shall require the person giving the list to take the following oath:

"You do solemnly swear that you will correctly and truly answer all questions that may be asked you, and that you will fully and freely disclose all property owned by you on the first day of September, 19....., and all property held by you for another on that day, and that you will omit therefrom nothing in the way of any property of any kind, and that you will fairly and to the best of your skill and judgment state the fair cash value of the property listed by you, estimated at the price it would bring at a fair voluntary sale, excepting, however, property that is otherwise taxed."

After the taxpayer has answered all questions submitted to him by the assessor, the assessor will then administer to him this oath:

"You do solemnly swear that the list just given by you contains all the property owned by you subject to taxation, or held by you for another, and that you have omitted nothing therefrom, now known to you, and that the value fixed thereon by you is, to the best of your judgment, the fair cash value of the property so listed, estimated at the price it would bring at a fair voluntary sale."

§ 16. Taxpayers Must Answer Under Oath.—Every taxpayer must take the oaths prescribed in the preceding section and the assessor shall fill out and subscribe a certificate showing that such oaths have been taken. Any taxpayer who is not called upon by the assessor may obtain the necessary blanks and property, fill same out and go before a notary public and be sworn thereto as required by law. The assessor

shall accept no list from any taxpayer until the said oaths have been taken and he shall receive no list from any person whom he has not visited in person unless such list shows that the taxpayer was sworn thereto in accordance with law by a notary public or some other officer authorized to administer an oath. If any assessor shall receive any list from any taxpayer that has not been duly sworn to as provided by this Act, he shall be deemed guilty of a misdemeanor and upon conviction fined not less than ten dollars nor more than twenty-five dollars.

§ 17. Power of County Board of Supervisors.—The County Board of Supervisors shall have power to summons witnesses before it and interrogate such witnesses for the purpose of ascertaining the taxable value of any property in the county. Such summons shall be issued by the county court clerk under the directions of the County Board of Supervisors, and any person who shall wilfully fail to obey such summons, or who shall fail to testify when requested so to do, shall be deemed guilty of a misdemeanor and subject to a fine of not less than ten nor more than fifty dollars. The County Board of Supervisors shall carefully consider each individual list returned by the assessor and may receive any lists omitted by the assessor. The County Board of Supervisors shall make such change in any list as in the judgment of the board is necessary to make same conform to the law, but where no change is made, it shall be deemed to have been the judgment of the board that the property was fairly assessed. Any taxpayer considering himself aggrieved may appeal from the judgment of the board to the quarterly court and the county attorney, or any taxpayer of the county may appeal from the action of said board to the quarterly court in the name and on behalf of the Commonwealth. An appeal may then be taken from the judgment of the quarterly court, by either party, to the circuit court, and likewise from the judgment of the circuit court to the Court of Appeals. The party

appealing in behalf of the Commonwealth shall not be required to execute a bond. The quarterly court may hear witnesses in open court as to the value of the property and shall enter judgment fixing the value of the property at its fair cash value, estimated at the price it would bring at a fair voluntary sale. The circuit court shall try any appeal from the quarterly court de novo, but any appeal prosecuted from the circuit court to the Court of Appeals shall be in the manner provided by the Civil Code of Practice. When any judgment becomes final the clerk of the court rendering the judgment shall furnish the county court clerk a certified copy of such judgment, and the clerk shall correct the assessor's books to conform thereto and shall certify such correction to the Auditor of Public Accounts and the sheriff of the county.

§ 18. Repealing Clause.—All laws and parts of laws in conflict with this Act are hereby repealed.

Mr. Reed offered the following substitute for the substitute offered by Mr. Coke, the original bill and all pending amendments to the substitute offered by the Committee on Revenue and Taxation.

Said substitute reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

PROPERTY SUBJECT TO TAXATION AND GENERAL PROVISIONS.

§ 1. State Tax Levy—An Annual tax of 50 cents upon each one hundred dollars of value of all property directed to be assessed for taxation, as hereinafter provided, shall be paid by the owner, person, or corporation assessed. The ag-

gregate amount of tax realized by all assessments shall be for the following purposes: 21 1-2 cents for the ordinary expenses of the Government, 26 cents for the support of the common schools, 2 cents for the use of the Sinking Fund, 1-2 of one cent for the Agricultural and Mechanical College, as now provided by law by an act, entitled "An Act for the benefit of the Agricultural and Mechanical College, now State University, approved April 29, 1880, including the necessary traveling expenses of all pupils of the State entitled to free tuition in such college, and who continue students for a period of ten months, unless unavoidably prevented."

§ 2. Property Subject to Taxation — All property within the jurisdiction of or having a taxable situs in this State, not exempt by law, shall be subject to taxation.

§ 3. Lien on Property for Taxes Due State, County, Town—The Commonwealth, and each county, incorporated city, town, or taking district, shall have a lien on the property assessed for the taxes due them respectively, which shall not be defeated by gift, devise, sale, alienation, or any means whatever, unless the gift, devise, sale, or alienation shall have been made for more than five years before the institution of proceedings to enforce the lien, and nothing shall be exempt from levy and sale for taxes and cost incident to the sale. When any lands, or improvements, or personal property shall not be assessed in any one year, it may be assessed retrospectively in the manner provided for by law, for that year, at any time not later than five years thereafter. The lien thereby accrued shall not prejudice the rights of purchasers acquired in the meantime. A tax levied and assessed upon personal property shall also create a lien on any real estate situated in the same county and owned at the time such assessment was made by the person to whom the personal property was assessed.

§ 4. Definitions—For purposes of taxation, the following definitions shall rule:

First. Property—The term "Property" includes all real estate and all personal property.

Second. Real Estate—The term "real estate" includes: (1) all land; (2) all improvements upon land; (3) all mines, petroleum and gas wells, minerals, and quarries in or under the land; (4) all standing trees; (5) all rights appertaining to the land, to the improvements, to mines, petroleum and gas wells, minerals, quarries, and to standing trees.

Third. Improvements—The term "improvements" includes: all buildings, structures, walls, fences, ditches, drains, shafts, tunnels, borings, and any other things erected upon or affixed to the land.

Fourth. Personal Property—The term "personal property" includes everything capable of private ownership not included in real estate, whether tangible or intangible, and includes all franchises of every class and description of corporations.

Fifth. Situs of Land—Land shall be assessed in the county in which it lies, without reference to conflicting titles.

Sixth. Situs of Tangible Personal Property—The taxable situs of tangible personal property shall, except as otherwise specifically provided by law, be determined as follows:

(a) Goods, Wares and Merchandise—Goods, wares, merchandise, capital employed in business, and stock in trade, except ships or vessels, and stock employed in the business of manufacturing or of the mechanic arts in counties, cities or towns in this State, other than those in which the owners reside, whether such owners reside within or without the State, shall be taxed in the counties, cities, or other taxing districts in which the owners hire or occupy manufactories, stores, hotels, or offices, shops, or wharves. Vessels plying on the high seas, or in the waters of the United States, whose owners reside in this State shall have their situs at the place of residence of their owners.

(b) Machinery—Machinery employed in any branch

of manufactures, and all personal property within the State leased for profit shall be assessed where located on the day set by law for the assessment.

(c) Horses, Cattle, Etc.—Horses, mules, cattle, sheep and swine, kept throughout the year in counties, cities or towns other than those in which the owner resides, whether such owner resides within or without the State shall be assessed to the owner in the place where they are kept.

(d) Other Tangible Personal Property—All other tangible personal property shall be assessed where the owner, or his agent, or representative, in whose custody, the property may be, resides within this State.

Seventh. Situs of Intangible Personal Property—The taxable situs of intangible personal property when such property consists of privileges, contracts, or other rights, or other intangible personal property, used, exercised, or enjoyed in connection with or appertaining to any real estate or to any tangible property, shall, except as otherwise specifically provided by law, be the same as the situs of the real estate or tangible personal property in connection with which the intangible personal property is used, exercised, or enjoyed, or to which it appertains.

The taxable situs of all other intangible personal property, shall be the place of residence of the owner including notes secured by lien or mortgage.

Eighth. Property Within the Jurisdiction of State—Property within the jurisdiction of the State includes all real estate within the State, all tangible personal property within the State, and all intangible property, rights, or privileges exercised in this State, or created by the laws of this State.

Ninth. Value—The term "value" means the fair cash value of the taxable property, and shall be estimated at the price which the property would bring at a fair voluntary sale.

§ 5. Respective Duties of Holders of Equitable and Legal Title—Fiduciaries—The holder of the legal title, and

the holder of the equitable title, and the claimant or bailee in possession of the property on the day when the assessment is made, shall be liable for taxes thereon; but, as between themselves it should be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment:

Provided, however, that an administrator, executor, trustee, committee, curator, or agent residing in the State shall not be liable for taxes on intangible personal property, where the real or beneficial owner of such intangible personal property, held by them or any of them, resides outside of the State; but this exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the nonresident legatee or beneficiary is set apart to him or before said legatee is entitled to be paid his share.

§ 6. Property Exempt From Taxation—The following property is exempt from taxation: Public property used for public purposes; property exempt under the laws of the United States; places actually used for religious worship, with the grounds attached thereto, and used and appurtenant to the house of worship, not exceeding one-half acre in the cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit; institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country appurtenant thereto; household goods or other per-

sonal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made and in the hands of the producer.

§ 7. Shares in Certain Corporations Not to be Listed —The individual stockholders of any corporation which reports and pays taxes upon all of its property which is in this State, including its corporate and special franchises, whether that property be assessed locally or by the State Tax Commission, shall not be required to list their shares of stock in such corporation. The provisions of this section shall extend to individual shareholders in banks and trust companies whose shares are to be listed by and the taxes thereon paid by the banks and trust companies or by the officers thereof, on behalf of the shareholders.

Article II.

The State Tax Commission and Assessors.

Subdivision I.

Membership and Organization of The State Tax Commission.

§ 1. State Tax Commission, Membership—There shall be a State Tax Commission composed of three commissioners, electors of the State, not less than thirty years of age, not more than two of whom at any one time shall be of the same political party.

§ 2. Appointment and Term—The three commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate. The three persons first to compose the Commission shall be appointed on or before the fourth day of March, 1914, or as soon after passage of this act as may be feasible, and, if possible, prior to the final adjournment of the Legislature at this session. Of the three persons first appointed, one shall be appointed and desig-

nated to serve for a term ending on the fourth day of March, 1916, one for a term ending on the first day of March, 1917, and one for a term ending on the first day of March, 1918. Each of said terms shall begin upon the qualification of the person appointed therefor. Upon the expiration of the terms of the three commissioners first to be appointed, as aforesaid, each succeeding commissioner shall be appointed and hold his office for the term of four years, and each commissioner shall hold his office until his successor shall have been appointed and has qualified. The commissioners shall be eligible for re-appointment. They shall, during their term of office reside at the State Capital. No person having been appointed and having served as a member of the Tax Commission shall be eligible for any elective office in this State for a period of two years after he ceased to serve as commissioner.

§ 3. The Governor may at any time remove any commissioner for inefficiency, neglect of duty, malfeasance in office, political activities, or continued ill-health incapacitating him for the performance of his duties, but, before removal, the commissioner shall be furnished with a copy of the charges against him, and have an opportunity to be heard in defense.

§ 4. Entire Time to Service—Each commissioner and each employee of the State Tax Commission shall devote his entire time to the duties of his office, and shall hold any other position of trust or profit, or engage in any other occupation or business, or serve on or under any committee of any political party during his incumbency of the office.

Political Activity Forbidden—Any commissioner or employee of the commission who shall engage in political activity, or who shall in any manner contribute or cause to be contributed, money or any other thing of value to any person for election purposes, or who shall influence or attempt to influence any person politically, or any legislation through the instrumentality of his office or position, except as other-

wise in this Act specifically provided, shall be removed from office or position by the Governor, if the guilty party be a member of the Commission, or by the Commission if an employe, but before removal, such person shall be furnished with a copy of such charges against him and have an opportunity to be heard in defense. Any person wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than fifty dollars, nor more than one thousand dollars for each offense.

§ 5. Salary—Each Commissioner shall receive a salary of five thousand dollars per annum, payable monthly as other State salaries are paid.

§ 6. Officers and Employes—The Commissioners shall elect one of their number as chairman, and the State Tax Commission is authorized to employ a secretary, appraisers, experts, clerks, bookkeepers, stenographers and other assistants and to fix their compensation. The salary of the secretary shall not exceed two thousand dollars per annum and the aggregate expense for the central office force of clerks, bookkeepers, and stenographers shall not exceed three thousand dollars per annum. The commissioners, secretary, appraisers, experts, clerks, bookkeepers, stenographers, and other assistants that may be employed, shall be entitled to receive from the State their actual and necessary expenses when traveling on business of the Commission. Such expenses shall be submitted in an itemized claim sworn to by the person who incurred the expense, and the claim must be approved by the Commission.

The aggregate expenses for appraisers, and experts, and for traveling expenses shall not exceed five thousand dollars per annum; provided, however, that in any year in which there is to be made a quadrennial appraisement of real estate as hereinafter in this Act provided, the commission may, with the consent of the Governor, anticipate the allowance for one or more succeeding years, and may use unexpended balances of previous years, but in no case shall the

expenditures for this purpose exceed an average of five thousand dollars per annum for any four-year period.

§ 7. Quorum—A majority of the Commission shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the Commission so long as a majority remains. Any investigation, inquiry, or hearing, which the Commission is authorized to hold or undertake, may be held by or before any one member of the Commission, and any decision or order made pursuant thereto shall, if approved and confirmed by the Commission, as shown on the records of the Commission, be deemed the decision or order of the Commission.

§ 8. Seal—The State Tax Commission shall have an official seal with the words "The Tax Commission of Kentucky" and such other design as the commissioners may prescribe engraved thereon, by which it shall authenticate its orders and proceedings.

§ 9. Office Rooms, Etc.—The custodian of public buildings shall assign to the State Tax Commission suitable quarters in the Capitol Building and shall provide the necessary office furniture. The Commission may purchase the necessary supplies, books, periodicals, and maps. All necessary expenses shall be audited and paid as other expenses are audited and paid.

§ 10. Sessions—The Commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public. The Commission shall keep a record of its proceedings, which shall be a public record. The Commission may hold sessions at any place within the State. Provided, however, that sessions at which information required to be kept confidential by subdivision 2, Section 4, of this article, would be disclosed and records of such information, shall not be open to the public.

SUBDIVISION II.

POWERS AND DUTIES OF THE COMMISSION.

§ 1. General Duties—The State Tax Commission shall have general supervision of the entire system of taxation throughout the State, both State and local, including the license taxes and the inheritance tax.

§ 2. State Assessments—The State Tax Commission shall exercise all the powers and perform all the duties with reference to the assessment or equalization of the assessments of property for purposes of taxation heretofore exercised or performed by any State Board of Valuation and Assessment, by the Railroad Commission, by the State Board of Equalization, or by any other State board or commission, or State officer, except the Insurance Department in the office of the Auditor of Public Accounts. And all such powers and duties are hereby transferred to the State Tax Commission to be exercised and performed exclusively by it. It shall exercise such further powers with reference to State taxes and assessments by State authority as may be conferred upon it by law. It shall be the duty of the Attorney General, when requested by the State Tax Commission, to attend the meetings of the Commission and advise with the same in its proceedings.

Provided, that until the first day of January, 1916, the Auditor, Treasurer and Secretary of State, who, under the provisions of Section 4077 of Carroll Statutes of Kentucky, edition of 1909, constituted the Board of Valuation and Assessment, shall be associated with the members of the State Tax Commission, provided for in subdivision 1 of this article, for the purpose of making the assessments of the franchises and other classes of property heretofore assessed by said Board of Valuation and Assessment. For this purpose, and for said period of time, the said six officers shall exercise the same powers and perform the same duties as are

provided in this Act to be exercised by and performed by the commissioners.

§ 3. Special Duties—It shall further specifically be the duty of the State Tax Commission, and it shall have power and authority:

(1) Rules—To prescribe rules for its own government and for the transaction of its business. To keep a record of all its proceedings.

(2) Oaths—Each commissioner and the secretary of the Commission is empowered to administer and certify oaths.

(3) Forms—To make out, prepare, and enforce the use of all forms in relation to the assessment of property, collection of taxes, and revenues in this State, the printing and binding being executed by the public printing contractor for first class work.

(4) Witnesses—To summon witnesses to appear and give testimony, and to produce records, books, papers and documents relating to any matter which the Commission shall have power to investigate or determine.

(5) Examination of Books—To examine the books, accounts, and papers of the individuals, partnerships, companies, associations, and corporations required by law to report to the Commission, or to send its representative or agent to examine the same, when in the judgment of the Commission such an examination be necessary for the purposes of assessment and taxation of such individual, partnership, company, association or corporation.

(6) Supervision of Assessors—To have and to exercise general supervision over the local administration of the assessment and tax laws of the State, and over the performance of their duties by assessors, or by the successors to their duties, that is to say, by the county tax commissioners hereinafter in this Act provided for, by boards of supervisors, county clerks, sheriffs, and other county or district officers, so far as the duties of such officers pertain to the

public revenues, State or local, all to the end that all assessments of property be made relatively just and equal at true value, and in compliance with law, and that all taxes, licenses, inheritance taxes, and other public charges levied by law shall be duly and fully assessed and collected according to law.

Assessments for Municipal Purposes—Provided, that whenever any municipality shall elect to have the assessment of property within its jurisdiction, and for purposes of city taxation, made by the State Tax Commission and its deputies, as elsewhere in this Act provided for, then the authority of this Commission shall extend over the making of the assessments of the property in such municipality, for municipal purposes.

(7) Conferences—To confer with, advise and direct assessing officers, boards of supervisors and other county or taxing district officers as to their duties relative to taxation under the law.

(8) Prosecutions—To direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officers, administering the tax laws of the State and of all persons, officers or agents of corporations, or others required by law to make returns of taxable property for failure or neglect to comply with the provisions of the tax law; and to cause complaints to be made against assessors, boards of supervisors, and other officers, whose duties concern taxation, to any court of competent jurisdiction for their removal from office for official misconduct or neglect of duty.

(9) Commonwealth Attorneys to Assist—To require the Commonwealth attorneys and county attorneys to assist in the commencement and prosecution of actions and proceedings instituted as provided in paragraph (8) immediately above.

(10) Reports to be Collected—To require reports from county, district, and city officers relative to the assessment

of property, collection of taxes, licenses and other revenues, the expenditures of public money and such other information as may be needful to the work of the Commission, in such form and on such blanks as the Commission may prescribe.

(11) Reassessment—To order a reassessment of property or of any class of property in any county or taxing district, when in the judgment of the Commission such property has not been assessed at its true value to the end that all property in such county or taxing district shall be assessed in compliance with the law.

(12) Visit Counties—To visit the counties in the State, when in their opinion it is necessary for the investigation of the work and the methods adopted by local assessors, boards of supervisors, and other taxing officials, in the assessment, equalization, and taxation of property.

(13) Convention of County Tax Commissioners—It shall be the duty of the State Tax Commissioners to arrange for an annual conference for the County Tax Commissioners at some centrally located place, for systematic instruction in finding, and in the fair and just valuation and assessment of every kind of property subject to taxation under this Act, and as to their practical duties at every step in connection therewith, said conference to continue not more than four days. It shall be the duty of each County Tax Commissioner to attend and take part in such conference unless prevented by illness, or for other reasons satisfactory to the official conducting the conference. Any County Tax Commissioner wilfully failing to attend the conference may be removed from office by the Circuit Court of the county wherein he was elected. It shall be the duty of each Fiscal Court to pay the actual and necessary expenses of its County Tax Commissioners in attending such conferences, upon duly attested certificates of the State Tax Commission, of actual attendance during the entire period for which the conference is held, and that the charges are reasonable.

(14) To inquire into the provisions of the laws of other

States and jurisdiction regarding jurisdictions and situs of property for purposes of taxation; to confer with tax commissioners of other States regarding the most effectual and equitable methods of assessment, and particularly regarding the best methods of reaching all property, and avoiding conflicts and duplication of taxation of the same property, and to recommend to the Legislature such measures as will tend to bring about uniformity of methods of assessment and harmony and co-operation between the different States and jurisdictions in matters of taxation.

(15) Violation of Tax Law—To carefully examine into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein the existing laws are defective or improperly or negligently administered, and to take such steps as may be necessary to correct the same.

(16) Confer with Governor—To consult and confer with the Governor upon the subject of taxation and the administration of the laws in relation thereto and the progress of the work of the Commission and to furnish the Governor from time to time with such assistance and information thereon as he may require.

(17) Report of Commission—To transmit to the Governor, for transmission to the Legislature, at least thirty days before the meeting of the Legislature, a report showing in a statistical form the taxable property in the State, the taxes thereon and such other matters relating to revenues and taxation as shall be deemed of interest and value, with discussion and explanation thereof, together with recommendations for the improvement of the system of taxation in the State, and measures for the consideration of the Legislature. Copies of this report shall be printed for information of the Assembly.

(18) To extend, but not by more than thirty days, the time when any assessor or board of supervisors shall complete his or its work on the assessment roll.

§ 4. Information Confidential—It shall be unlawful for any Commissioner or ex-commissioner, the secretary of the Commission, or any other employee or agent of the Commission, to divulge any information acquired by him in respect to the transactions, property, or business of any company, firm, corporation, person, association, co-partnership, or public utility, while in the performance of his duties under this Act. Any violation of the provision of this section shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both at the discretion of the court or the jury, and the guilty person shall be disqualified from office or employment in the Commission. Provided, however, that the Governor may at any time, by written order, direct that any information herein referred to shall be made public or laid before any court, and in that event it shall not be unlawful to divulge or make known the same. And, provided further, that this prohibition does not extend to any matters required by law to be entered upon any assessment book or roll.

SUBDIVISION III.

COUNTY TAX COMMISSIONERS.

§ 1. Powers of County Assessor Transferred to the County Tax Commissioner—The office of county assessor is hereby abolished under the provisions of Section 104 of the Constitution and the present incumbents shall be made County Tax Commissioners as provided in Section three immediately hereafter. There are hereby transferred to the State Tax Commission and the County Tax Commissioners all the powers and duties heretofore exercised by, or performed by the county assessors, insofar as such powers and duties are not changed by law. The County Tax Commissioners and their deputies shall exercise and perform such other powers and duties as may be imposed upon them by law, or by the orders of the State Tax Commission.

§ 2. Appointment and Election of County Tax Commissioners—The Governor shall, immediately upon the passage of this Act, appoint all of those persons who were duly elected as county assessors in November, 1913, to be County Tax Commissioners in and for the counties in which they were elected. The term of office of such County Tax Commissioners shall be equal to the term of office for which they were elected county assessors. Thereafter such County Tax Commissioners shall be elected as assessors are now elected by law subject to the qualifications provided for in this Act, except that the County Tax Commissioners shall be eligible for re-election.

Penalty for Failure to Qualify—Any person appointed a County Tax Commissioner, who shall wilfully fail to accept the office and discharge the duties thereof, shall be fined five hundred dollars. Each County Tax Commissioner herein provided for may, with the approval of the State Tax Commissioner, appoint as many sober, discreet, capable persons, not under the age of twenty-four years, as deputies, to assist him in the discharge of his duties, as the State Tax Commission may deem necessary, and may remove them at his pleasure. The County Tax Commissioner and his deputies shall read and administer the oath required to be taken by persons whose property is required to be listed for taxation.

The County Tax Commissioner and his deputies, before they enter upon the duties of the office, shall, in addition to the oath prescribed by the Constitution, take the following oath:

Oath—"I do swear that I will administer to every person listing property of any description the oath prescribed by law, and fix the value of all property to be listed by me at its fair cash value, estimated at the price it would bring at a fair voluntary sale, without favor or partiality; and I will diligently search and inquire so that no person shall be passed over, or shall fail to have an opportunity to give a list of his taxable property, and that I will truly report all

persons who shall fail or refuse to list their taxable property, after being duly called on by me for that purpose, or who have given in a false or fraudulent list, so help me, God."

Bond—The County Tax Commissioner shall at the same time execute a bond to the Commonwealth, with good surety, to be approved by the County Court for the faithful discharge of the duties of his office, which bond shall be filed in the office of, and kept safely by, the clerk of the County Court, and on which the County Tax Commissioner and his sureties shall be liable for any violation of the duties of his office, by himself or any of his deputies. Action may be instituted on it by the Commonwealth or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained.

Work to Begin When—The County Tax Commissioner shall commence the duties of his office on the first day of September in each year, and he shall assess the property in his county by justices' districts, in separate books, and he shall also make a separate book or books for each incorporated city, town, or taxing district (except school districts) of his county, by wards or other subdivisions, as convenience may require.

Vacancies, How Filled—In case any person who was elected county assessor or county tax commissioner shall fail to qualify, or after qualifying as county tax commissioner shall die, resign, or be removed from office during his term of office, the vacancy shall be temporarily filled by the county court until his successor shall have been elected as provided by law. The county tax commissioners herein provided for shall, subject to the direction, instruction and supervision of the State tax commission, make the assessment of all property within their counties, except as otherwise provided for, prepare the assessment books, and perform such other duties as may be imposed upon them by law. Any county tax commissioner may be removed from office by the circuit court of the county wherein he was elected, upon peti-

tion of the State Tax Commission or any taxpayer for willful disobedience of any just or legal order of the State Tax Commission, or for misfeasance or malfeasance in office, or willful neglect in the discharge of his official duties, but such officer or petitioner shall have the right to appeal to the Court of Appeals.

§ 3. Compensation of County Tax Commissioners—The county tax commissioner shall, after he has returned his tax book and the same has been corrected by the board of supervisors, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his tax book thus corrected; and if said court upon investigation, finds said account to be correct, it shall certify to the Auditor the amount due to the county tax commissioner for the services required of him by law, which shall be based on the total value of the assessment made by him as above required, as follows: Four cents on the one hundred dollars of the first million and one and one-quarter cents on each one hundred dollars of the excess over one million, but no county tax commissioner shall be entitled to receive more than three thousand dollars for his services during any year, except in counties containing a city of the first class, in which the salary shall not exceed four thousand dollars. In counties in which the assessed value of property exceeds thirty-eight million dollars, the county tax commissioner shall be allowed, as compensation to deputies appointed and qualified, the sum of one thousand five hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of thirty-eight million dollars. In counties where the assessment does not exceed one million dollars, the county tax commissioner shall be paid four and one-half cents on the one hundred dollars of the entire property listed.

County Tax Commissioner's Claim to be Verified—Penalty—Before the county court shall grant such certificate of allowance, the county tax commissioner and his depu-

ties, if any, shall, in open court, make and file the following affidavit, subscribed and sworn to by them before the clerk of the county court, viz.: "I do swear that I have not received from any person a list of taxable property and returned the same until the person rendering the list has made oath to the truth of the same; and I do further swear that I have, in no instance, assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale."

Any county tax commissioner or deputy who shall make affidavit, knowing the same to be false in any particular, shall be deemed guilty of false swearing, and, on conviction, be punished accordingly.

Deduction for Failure to Do Duty—Payment of County Tax Commissioner—A reduction of fifty cents shall be made from the county tax commissioner's compensation for each list he shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his warrant on the State treasury for eighty per cent of such allowance, and shall draw his warrant on the treasurer for the remainder due the county tax commissioner, as herein provided, after the October session of the fiscal court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property, so far as is known to him, who were omitted by the deputy tax commissioner; also the names of any persons duplicated by the deputy tax commissioner. The report of the sheriff shall be certified by the county clerk to the Auditor, that the deductions may be made from the county tax commissioner's claim as herein provided.

§ 4. Examination of Candidates for the Office of County Tax Commissioners—Before any person's names shall be placed upon the ballot at any primary or regular election as a candidate for the office of county tax commissioner, he shall hold a certificate from the State tax commission that he has

been examined by them, and that he is qualified for the office. Within ninety days before any primary or general election at which county tax commissioners are to be elected or nominated, the State tax commission shall arrange for examinations to be held to determine the qualifications of persons who may be candidates for the office of county tax commissioner. Such examinations shall be held at the office of the State Tax Commission in Frankfort, Kentucky, or at other places in the State, if the State tax commission so designate. Before said examinations are held, the State Tax Commission shall, for at least four weeks publish in some newspaper of general circulation in this State, a notice showing the time and place at which such examinations shall be held, and such examinations shall be open to any qualified elector of the State. The examination shall take into consideration the candidate's experience as an assessor, his knowledge of the revenue laws, his knowledge of the geography of the county in which he expects to be a candidate, his knowledge of the industries and property of such county, his general education and business experience and his physical fitness to fill the office. The State Tax Commission shall determine in advance of the examination, the credits to be allowed for experience, knowledge of the revenue laws and for each other qualification, and shall publish same at the same time the notices are published as above provided for. On the basis of these examinations, candidates shall be graded, and no candidate shall be issued a certificate unless he makes a credit of at least seventy-five per cent. The State Tax Commission shall issue to persons passing this examination, a certificate of their fitness and qualification to fill the office of county tax commissioner; provided, however, that the provisions of this section shall not be held to apply to the appointments of county tax commissioners made prior to the year 1917.

Office Rooms—The fiscal court of each county, or whatever body shall take over the powers of the fiscal court in any county, shall provide for the county tax commissioner a

suitable office room or rooms, when possible in the county court house, or when that is not possible, in some other building, together with suitable furniture, in which office shall be safely kept the books, maps, taxpayers' lists, papers and all other records pertaining to the assessment of property within that county, except when any such books or records are required by law to be placed in the custody of other officers. The provisions of Section 1197 of Carroll's Statutes, ninth edition, 1909, are hereby extended to cover these public records.

ARTICLE III.

ASSESSMENT OF PROPERTY.

SUBDIVISION I.

GENERAL PROVISIONS.

§ 1. All taxable property, except such as is by law required to be assessed by the State Tax Commission, shall be assessed by the county tax commissioners or their deputies in the county in which it has its situs.

§ 2. Assessments to be at Full Cash Value—All taxable property must be assessed at its full cash value.

§ 3. Land and Improvements to be Separately Assessed —Land and the improvements thereon shall be separately listed and assessed. Cultivated and uncultivated land, of the same quality and simliarly situated, shall be assessed at the same value.

§ 4. Date of Assessment—All taxable property shall be assessed and valued as of the first day of September in each year, except that a complete revaluation and equalization of land and improvements shall be made but once in four years. The first quadrennial revaluation of land and improvements shall be made as of the first day of September in the year 1917, and thereafter once every four years. The provisions of this act relative to the quadrennial assessment of land and im-

provements shall be suspended for the assessments to be made as of the first day of September, 1914, 1915 and 1916.

§ 5. Annual Assessment Roll—A new assessment roll shall be made in each county each year. In the years when a complete revaluation of land and improvements is not to be made, the county tax commissioner shall revise the previous assessment roll as to lands and improvements by adding the assessment of new improvements, removing the assessment of improvements destroyed, by entering the names of new owners and entering all new subdivisions of lands. But he shall value land and old improvements at the same rates as may be fixed at the time of the quadrennial valuation. All taxable personal property shall be assessed and valued by him each year and entered in the assessment roll.

§ 6. Fiscal Court to Provide Tax Maps—The fiscal court of each county, or whatever body may take over the powers thereof in any county, shall, on or before January 1, 1917, provide the county tax commissioner with a complete and accurate map of the county, showing, in such form, on such scale and in such detail, as the State Tax Commission shall prescribe, all land within the county and the division thereof into tracts, farms, city and town lots, or otherwise, also all streams, roads, ponds over four acres, lakes, street railroads and such other physical features, property boundary lines and other matters, as the Commission shall prescribe. This map shall be known as the county tax map. The expense of making this map in the first instance shall be borne equally by the county and the State. And any contract for the making of such maps entered into by the fiscal courts shall be subject to the approval of the State Tax Commission.

Up-keep of Tax Maps—It shall be the duty of the county tax commissioner to revise this map from time to time, to make new copies when necessary, and to keep the same up to date, clean, legible, and in good condition, and the expenses connected with the revision and up-keep of the county tax maps shall be paid as the original making of the map in the

first instance. It shall be the duty of the State tax commission to prepare the specifications for these county tax maps, and to transmit them to the fiscal courts. If the fiscal courts of any county fail or neglect to provide a county tax map, the State Tax Commission shall cause one to be made, and one-half of the cost of making the map shall be collected from the county in the same manner that other valid claims against the county may be collected.

§ 7. Use of Tax Map—Liability of County Tax Commissioner—After the completion of the tax maps the county tax commissioner shall use the county tax map to check the accuracy and completeness of his assessment roll. He shall enter upon his assessment roll every piece of taxable land shown upon the map. He shall be liable under his bond for the taxes, State and county, which should have been collected upon any and every piece of land shown upon the map and not entered in the assessment roll.

§ 8. Description of Lands—Lands shall be described in the assessment roll by general boundaries, or in counties which have been divided into sections by the United States land survey, by section number and the customarily recognized fractional subdivisions thereof. But lands may be described by reference to numbers or letters on plats or maps on file in office of the county court clerk, or on the county tax maps. The State Tax Commission shall fix and authorize abbreviations which shall be used in the description of lands, but which shall be sufficient to clearly identify the lands described.

§ 9. Real Sstate Assessed to Owner if Known—Real estate shall be assessed to the last ascertainable owner of record of the first freehold estate therein, and may be assessed to "unknown owners," if none be ascertainable. No error in the name of the owner shall invalidate the assessment, nor shall any error in the description of the property invalidate the assessment, provided the description be sufficient to identify the property intended to be assessed.

§ 10. County Clerk to Certify Conveyances, Etc.—Each county court clerk shall, on or before the first day of September of each year, make out and certify to the county tax commissioner in such form and in such detail as the State Tax Commission shall prescribe, a complete statement of all conveyances of lands, mortgages or other liens upon lands and other obligations for money due or to be paid. The statements shall show distinctly the dates of execution of the conveyances, or contracts, the dates of execution and of maturity of notes and other evidences of indebtedness; the consideration therefor; the date of filing or recording; the amount thereof; and the name and county of residence of the owner, payee, beneficial holder thereof or other person or corporation liable for taxes thereon; and such other matters or things as shall be ordered by the State Tax Commission. Said statements shall be made to each county tax commissioner of the State of such notes or other evidences of indebtedness as may be owned or held by persons or corporations residing, or having their principal place of business, in the county of such deputy tax commissioner. No mortgage, conveyance or other instrument of writing constituting a lien or other security for any note or other evidence of indebtedness shall be received for record by any county clerk of this Commonwealth, unless such mortgage, conveyance, or other writing gives the county and State of the residence and postoffice address of the person or corporation owning or holding said note or other evidence of indebtedness. Should there be an assignment of such note or other evidence of indebtedness, of record in the clerk's office, the assignment shall state the county and State of the residence and postoffice address of the assignee; unless any assignment is made of record, the original holder or owner shall be liable for taxes as though no assignment had been made. No conveyance of land shall be received for record by any county clerk in this Commonwealth unless such conveyance recites in full the actual consideration therefor. Any person who shall knowingly and in-

tentionally give false or fictitious address or name in any instrument or assignment, as above mentioned, or other than the true consideration in any conveyance shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than ten dollars nor more than one thousand dollars. Each statement made by the county clerk, as herein required, shall cover a period of one year next prior to the date such statement is required to be made. Said statement shall be sworn to by the clerk before some person authorized to administer oaths as a full and complete statement of said facts. For his services in making such statements, the clerk shall be paid a reasonable compensation by the fiscal court of his respective county; said statement shall be returned by the various county tax commissioners, with their tax books, schedules and list of conveyances, to the county clerks of their respective counties for the use of the boards of supervisors. Any county clerk failing to perform his duties under this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered by warrant or indictment. Nothing herein shall be construed to affect the validity of any instrument or assignment.

§ 11. Taxpayer's Statement—To aid him in making the assessment, the county tax commissioner shall each year exact from each person a list or statement, under oath, setting forth specifically all the real estate and personal property owned by such person, or in his possession, or under his control, on the first day of September, and the situs of such taxable property. This list or statement shall be in writing, or in printing and writing, in such form and detail as the State Tax Commission shall from time to time prescribe, and shall show all property belonging to, claimed by or in the possession or under the control or management of the person making the list or statement, whether such person be an individual, a firm, association, company, or corporation.

Lands and Improvements to be Separately Valued—In prescribing the form for the list or statement to be exacted

from each person, the State Tax Commission shall provide for the separate listing of lands, whether in tracts or city and town lots, and of improvements, in the classes specified in Section four of Article one of this act, and in such other classes as the State Tax Commission shall deem necessary. The list or statement shall contain an exact description of all lands in parcels or subdivisions as required in Section eight of subdivision one of Article three of this act. The list shall also contain all personal property of each person in such classes as the State Tax Commission shall prescribe, and shall show specifically all taxable bonds, stocks, notes, accounts, credits, cash, the number of thoroughbred and common horses, of each sex and age, mules, asses, cattle, sheep, swine, agricultural implements and machinery, other tools and machinery, wagons, carriages, automobiles, other vehicles, safes, household furniture, musical instruments, manufactured articles, raw materials for manufacturers, paintings, books, jewelry, diamonds and other precious stones, watches, silverware, steam engines, steamboats and other water craft, patent rights, wines, whiskies, brandies and other liquors, stocks of goods, wares and merchandise, and such other matters and things as the State Tax Commission shall prescribe.

§ 12. Penalty for Refusal to File Statement—If any person, after demand made by the assessor, neglects or refuses to give, under oath, the statement provided for in Section eleven of subdivision one, Article three, of this act, immediately before this section, or to comply with the requirements of the law, the county tax commissioner must note the refusal on the assessment book, opposite the name of such person, and must make an estimate of the value of the taxable property of such person. At the close of the assessment the county tax commissioner shall transmit to the board of supervisors in each county and to the State Tax Commission a verified report in writing, separate from the assessment roll, containing a complete list of all persons who refuse or

neglect to furnish a statement of their property as in this act provided, or to comply with the requirements of this act, together with the amount of the assessment upon the property of such persons, with a statement of the facts, if any, upon which the assessment was made, and the valuation of the property so assessed ascertained. Such assessments shall be called for convenience "arbitrary assessments," but they shall be made as fairly and equitably as possible in the best judgment of the county tax commissioner. No board of supervisors, nor the State Tax Commission, may reduce any arbitrary assessment, but may raise the same, if found to be too low, to such amount as may be deemed just. Any excessive tax resulting from an arbitrary assessment is hereby declared to be imposed as a penalty for an unlawful act, and if not paid or collected as are other taxes, may, together with the proper tax, be collected as are other fines and penalties. Should any person neglecting or refusing in any one year to give the statement herein required, neglect or refuse to do so the next succeeding year, the arbitrary assessment for the second year shall be double that of the preceding year, and the doubling shall continue each year thereafter until a satisfactory statement shall be rendered. Provided, however, that no arbitrary assessment shall be made upon lands, nor at the time of the quadrennial assessment of lands and improvements shall any arbitrary assessment be made upon improvements, it being the duty of the county tax commissioner, the boards of supervisors and the State Tax Commission, with or without the taxpayer's statement, to find and value all lands and the improvements thereon at the time of the quadrennial assessment. And provided, further, that if the owner of any property found by the county tax commissioner be absent or unknown, the county tax commissioner must make an estimate of the value of such property, which shall not be deemed an arbitrary assessment, and which may, on proper showing, be lowered by a board of equalization.

§ 13. Penalty for Fraud—Any property wilfully con-

cealed, removed, transferred or misrepresented by the owner or agent thereof, to evade taxation, must upon discovery be assessed at three times its value.

§ 14. Double Taxation of Property Not Assessed the Year Before—Any property discovered by the county tax commissioner to have escaped taxation the preceding year, if such property is in the ownership or under the control of the same person who owned or controlled it the preceding year, may be assessed at double its value.

§ 15. Roll Books to be Provided—Before the first day of September of each year, the State Tax Commission shall deliver to each county clerk of this State for the use of the county tax commissioners, a sufficient number of assessment roll books, and the necessary blank schedules or taxpayers' lists, for the assessment of all property, real and personal, with the affidavit attached thereto to be signed and sworn to by the person returning the list.

§ 16. Itemized List—The form of the list or statement shall provide a place for the entry of the value of each item of property listed. The person listing his property may enter his estimate of the value thereof. But the estimate of value entered by the person listing the property shall not be binding on the county tax commissioner, nor on any board of equalization, nor on the State Tax Commission, except in cases where value affords the sole appropriate description of the property, and even in such cases the right of the taxing officials to question the accuracy of the statement as to the amount thereof is reserved.

§ 17. Taxpayer's Oath—The form of the taxpayer's oath shall be substantially as follows:

"I, ..., a resident of.....county, do swear that the above list contains a full and correct statement of all property subject to taxation, owned by me, in my possession or under my control on the first day of September last; and that I have not, in any manner whatsoever, concealed, transferred or disposed of any property, or placed

any property out of the county, or of my possession for the purpose of avoiding any assessment upon the same or of making this statement."

§ 18. County Tax Commissioner May Examine Under Oath—The county tax commissioner and his deputies shall be authorized to examine persons under oath as to their property, and as to the value thereof, to examine their books and papers to ascertain the amount and value of such property. The information obtained from the taxpayers' lists or statements, or as provided in this section, except insofar as it may afterwards appear on the assessment roll or book, shall be deemed confidential and all the provisions of Section four in subdivision two of Article two of this act shall apply to county tax commissioners and their deputies as they do to the commissioners and to their employees, except that it shall be lawful to submit this information to any board of supervisors and to the State Tax Commission. Any person failing or refusing to permit any county tax commissioner or deputy to make such examination shall be subject to a fine in any sum not exceeding five hundred dollars, to be recovered by warrant or indictment.

§ 19. County Tax Commissioner to Fix Value—The county tax commissioner shall, from his own knowledge, from the statement of the person listing the property and such other information as he may be able to obtain, fix the value upon all taxable property. But the State Tax Commission may direct the use, solely for purposes of uniformity, in ascertaining the fair cash values of standard or basing values per unit of land measurements for the valuation of real estate as hereinafter in this act provided. The State Tax Commission may further classify personal property and, for the same purposes, may direct the use of standard values for each unit of count or measurement of each class. It may especially, and each year, classify and grade all horse kind, mules, asses, cattle, sheep, swine and poultry and fix a value per unit for each class or grade, and in like manner classify,

grade and value grain, tobacco, hemp, and any other kinds of personal property capable of such classification and fairly uniform in value throughout the State and widely distributed. The county tax commissioners shall follow these standard values, except when the use thereof for any reason shall result in inequality.

§ 20. Preparation of the Assessment Books — The county tax commissioners must prepare each year an assessment book or books for each county in the form and manner to be provided by the State Tax Commission. He shall prepare the book or books for each county according to justices' districts, incorporated cities, towns and taxing districts therein. Where two or more books are used, each book shall be numbered in sequence and described in such manner on title page and cover as to clearly indicate the taxing district or districts or portions of the county contained therein, and each book shall contain, near the front page and before the assessment entries, a complete list of all the books constituting the assessment roll of the county and showing its place in the series of books. Assessments may be entered alphabetically or in any convenient geographical sequence, but in the latter case there shall be prepared either at the end of the last book after all the assessment entries, or in a separate book, a complete alphabetical list or index of all the persons assessed, with proper reference to the page or pages of the book or books in which the assessments are entered. Clerical or other errors or omissions in the index shall in no wise affect the validity of any assessment. At the close of each book, except the last in sequence, there shall be a statement showing the number and description of the next book in order, and in the last book, a statement that the roll ends here. All blank spaces and pages in any book upon which no assessment entries are made shall be ruled or marked off, so as to clearly show the fact that the entries are completed or that they are continued on subsequent pages and upon which pages.

The assessment roll shall show under appropriate headings and columns, as prescribed by the State Tax Commission, the following items and such others as may be from time to time prescribed by the State Tax Commission:

(1) The name and postoffice address, if known, of the person to whom the property is assessed.

(2) Lands described as in this act provided.

(3) Improvements on land.

(4) All personal property in such detail as the State Tax Commission shall prescribe, but failure to enumerate personal property in detail shall not invalidate any assessment, provided that the total amount in value assessed against each person is shown.

(5) The cash value of each item assessed.

(6) Franchises, railroad property and all other property assessed by the State Tax Commission and assigned or apportioned to the county and other local districts and the value thereof assessed.

(7) The taxing district in which the property is assessed.

(8) The total value of all property assessed against each person.

(9) The sum totals of all lines and columns.

(10) The assessment books shall also contain appropriate columns for the entry of the rates of taxes levied upon the property and for the extension of the taxes levied upon the property of each person, but these columns shall not be filled in by the county tax commissioner but by the county clerk, as hereinafter in this act provided.

Entries shall be made with ink, and may be made in writing, or by writing and printing, by rubber stamp or other device. Values shall be in figures. All entries shall be fair, neat and legible. No erasures, either by rubbing, knife, or chemical, or other means, shall be permitted on the assessment roll or book, but errors may be corrected in such manner as to show clearly the original erroneous entries and the

correct entries, and such corrections shall be explained in the margin and signed by the person making them, and the corrections so made, if made by an authorized official, shall be valid as if they were original entries.

§ 21. Illegal Entries in Assessment Books—No person, save the county tax commissioner, his deputies, and other officials expressly required by law so to do, shall make any entry, correction or alteration in the assessment books or rolls. Any person illegally making such entry, correction or alteration or mutilating the assessment books or rolls shall be guilty of a felony, and punished by imprisonment in the State penitentiary from one to five years.

§ 22. County Tax Commissioner's Oath—On or before the first day of January in each year, the county tax commissioner shall complete the assessment rolls, and he and his deputies must take and subscribe an affidavit in the assessment books to be substantially as follows:

"I, ..., county tax commissioner for the county of.....do swear that, between the first day of September and the first day of January, in the year of our Lord nineteen hundred and..... I have made diligent inquiry and examination to ascertain all the property within the county of.....(or within the subdivision thereof assessed by me, as the case may be), subject to assessment by me, and that the same has been assessed on the assessment book or books, equally and uniformly, according to the best of my judgment, information and belief, at its true value, and that I have faithfully complied with all the duties imposed on the county tax commissioner under the revenue laws; and that I have not imposed any unjust or double assessment through malice or ill-will or otherwise; nor allowed anyone to escape a just and equal assessment through favor or reward, or otherwise; so help me, God." But failure to take or subscribe to such an affidavit, or any affidavit, shall not in any manner affect the validity of any assessment.

§ 23. Books to be Delivered to County Clerk—As soon as completed, the assessment book, or books, together with the maps, records, statements, and copies of any orders of the State Tax Commission, used or followed in making the assessment, must be delivered into the custody of the county clerk for the use of the board of supervisors. Until the day set for the hearings before the board of supervisors, as hereinafter in this act provided, the books shall be open to the inspection of all persons interested. Provided, that the State Tax Commission may for good cause shown extend, but not by more than thirty days, the time for completing the roll of any county.

§ 24. County Tax Commissioner's Report to Commission—On completion of the assessment rolls in his county the county tax commissioner shall at once forward to the State Tax Commission a report, in such detail and form as the Commission shall prescribe, of his assessments.

§ 25. Penalty—Every county tax commissioner who fails to complete his assessment rolls, or fails to transmit the report mentioned in the preceding section, shall forfeit the sum of one thousand dollars, to be recovered on his official bond, for the use of the Commonwealth, in an action brought in the name of the Commonwealth by the Attorney General, when directed to do so by the State Tax Commission.

§ 26. Names of Purchasers — How Entered — Lands once described in the assessment book need not be described a second time, but any person claiming the same and desiring to be assessed therefor, may have his name inserted with that of the person to whom such land is assessed.

§ 27. Property in Two Counties—Property lying in two or more counties shall be assessed, as nearly as may be, in each county in that proportion which the part in each county bears to the whole. Ferries and toll bridges connecting two counties, other than warehouses, wharves or other appurtenances in each county, together with the franchises

thereof, shall be assessed one-half in each county. Where property lies in two counties, the two county tax commissioners shall confer as to and determine the value.

§ 28. Property Discovered to be in Other Counties—Any county tax commissioner obtaining in any way information concerning property taxable in some other county shall at once notify the county tax commissioner of that county and send him a description of the property, the name and address of the owner and any other facts pertinent to the assessment. A duplicate of such notice shall be sent to the State Tax Commission. For this service the county tax commissioner shall be allowed fifty cents for each parcel of property so reported and assessed.

§ 29. Assessment Roll the Warrant for the Collection of Taxes—The assessment roll or book shall be the sole warrant for the collection of State and county taxes, and of district taxes to be collected by the sheriff as hereinafter provided and covered into the county treasury, and may be the warrant for the collection of municipal taxes, as hereinafter in this act provided.

§ 30. Copies for Cities—Cities and towns desiring to have their taxes collected on the basis of the county assessments may, with the consent and approval of the State Tax Commission, obtain copies of the assessment roll. Such copies shall be certified to by the county tax commissioner or his deputy. The city or town requesting the copy shall pay into the State Treasury a sum equal to five cents per folio of one hundred words or figures. The money so paid is hereby appropriated to pay the expenses of copying the rolls at such rates not exceeding five cents per folio as the State Tax Commission shall allow, and shall be kept in a separate fund to be known as the "city assessment roll fund," and shall be paid out by the Auditor of Public Accounts on order of the State Tax Commission in the same manner as other payments are made of State money.

SUBDIVISION II.

QUADRENNIAL REVALUATION OF REAL ESTATE.

DUTIES OF STATE TAX COMMISSION AND OF COUNTY TAX COMMISSION.

§ 1. Real Estate Revalued Only Once in Four Years—Once every four years the valuation and assessment of real estate shall be thoroughly revised and corrected. The values fixed at that time shall be used, unchanged, except as otherwise provided by law, as the assessed values of the real estate during the three succeeding years. The first quadrennial assessment shall be made as of September first in the year 1917. Provided, that, whenever the State Tax Commission shall determine that the value of real estate in any district or county or city or town has changed materially during the interval between the regular quadrennial revaluation of real estate herein provided for, the Commission may order a revaluation and assessment of such real estate to be made, and such revaluation shall be made at the time of the regular annual assessment of all property.

§ 2. Rules and Standard Values, Agricultural Lands—The State Tax Commission shall formulate rules and issue instructions to county tax commissioners as to the manner in which the quadrennial revaluation of real estate is to be made. It may cause the county tax commissioners to assemble in convention for discussion and instruction.

The State Tax Commission may, for the purpose of obtaining uniformity of valuation for agricultural and other tracts of land, denominate grades or classes of land, and may, if it deem it expedient to do so, fix standard values for the guidance of county tax commissioners. The Commission may before any quadrennial assessment of real estate, cause its rules, grades, classes or standard values to be published and public hearing as to the reasonableness of the rules, grades, classes, or values may be held in different parts of the State.

Rules and Basing Values, City Lands—The State Tax Commission may likewise prescribe general rules, or fix "basing values," for the purpose of securing a uniform valuation of the city and town lots. These rules and standard values, or "basing values," may be published and the Commission may hold public hearings for discussion of the rules and standard values within each city.

Rules and Standard Values, Improvements—The State Tax Commission may, if it deem it expedient, fix rules and standard values for different kinds and classes of improvements, both in the country and in cities, all to the sole end that assessments shall be uniform and equal at the true value of the lands and improvements. It shall have power to enforce its rules and standard values, and to require them to be followed by all county tax commissioners and their deputies.

§ 3. County Tax Commissioners to Search Out Values—The county tax commissioners shall, prior to the making of the first quadrennial revaluation of real estate, diligently examine the real estate within their counties and ascertain its value. They shall search out, through all available sources of information, the actual consideration paid when real estate is conveyed from one person to another. They shall ascertain the appraisements made of real estate in the case of estates passing under the inheritance laws, or appraisements made under condemnation proceedings, or for any other purpose. They shall examine, if deemed necessary, under oath, any real estate dealers, brokers, agents, or other persons having knowledge of real estate values. They shall inquire into the rentals paid for real estate under lease and may demand and examine the lease contracts. They shall inquire into the products obtained from different classes of lands and the values and costs thereof. They shall make such further inquiries as the State Tax Commission shall prescribe. They shall keep a record in their own offices of all the facts and of the information obtained, as above pro-

vided, and shall transmit copies of these records to the State Tax Commission.

§ 4. County Tax Commissioners to Keep Records of Values—Preparatory to each subsequent quadrennial revaluation of real estate after the first, the county tax commissioners shall continue the above investigations into real estate values all throughout the ensuing years between the revaluations and shall search out all evidences of changing values. They shall revise their records and send copies of the changes to the State Tax Commission.

§ 5. County Tax Commissioners to Fix Values—Upon the basis of the information obtained by them, and in accordance with any instructions issued by the State Tax Commission, the district tax commissioners shall fix the values of real estate and enter the same in their assessment rolls. The values so determined and entered shall be subject to review and equalization by the county boards of supervisors as hereinafter in this act provided, and by the State Tax Commission, and when so reviewed and equalized, shall be the assessed values for the ensuing four years, unless in the meanwhile the State Tax Commission shall have ordered a new revaluation of real estate to be made.

Subdivision III.

Assessments by the State Tax Commission.

§ 1. Property Assessed by State Tax Commission—Every corporation organized under the laws of Kentucky whether doing business in this State or not, and every corporation organized under the laws of any other State or county, doing business in Kentucky, except religious, benevolent, and other associations, not organized for profit, whose property is exempt under the Constitution of this State, is hereby declared to possess a taxable franchise, and said franchise is property subject to taxation as any other property under the provisions of this act. But the franchises

of banks and trust companies, are hereby declared to be covered by and included in the assessment of the shares of stock elsewhere in this act provided for, and shall not be again assessed and taxed, and the franchises and privileges of insurance companies, which are hereby declared to be covered by subdivisions two and four, Article 13, of Chapter 22, of the Acts of 1906, relating to revenue and taxation and not by the provisions of this act, shall not be again assessed and taxed.

All franchises, all property of railroads, including interurban and street railways, whether tangible or intangible, the shares of stock in all banks and trust companies, all property, tangible and intangible, of railroad bridge companies, all property, tangible and intangible, of turnpike companies, all property, tangible and intangible, of all telephone and telegraph companies, of all car companies, of all express companies, of all oil pipe line companies, of all gas companies, of all electric light companies, of all electric power companies, of all press dispatch companies, and also of all other corporations, companies, or associations, partnerships, firms, or individuals, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, whenever any of them have property lying in two or more counties; the franchises, but not the tangible property of public utilities operating in only one county; and all distilled spirits in bonded warehouses shall be assessed by the State Tax Commission acting as a central Board of Valuation and Assessment.

The assessments so made shall be entered on a State assessment roll, hereinafter provided for, and shall also be apportioned by the State Tax Commission to the counties, cities and other taxing districts where the property is located and entered on the county, city and other assessment rolls. The Sate taxes thereon shall be paid directly to the State Treasurer upon order of the Auditor of Public Accounts, all local taxes thereon shall be paid as other local taxes are

paid. No other assessment for general or local taxation shall be made on property of this kind.

§ 2. Reports to State Tax Commission—For the purpose of aiding the State Tax Commission in making these assessments, every corporation, company, or person owning or having control of any of the property named in Section one of this subdivision including franchises and tangible property, shall file with the Commission a report in such form and in such detail as the Commission shall prescribe. These reports, except as otherwise specifically provided, shall be due September first, and delinquent ten days thereafter in each year.

The reports from the different classes of taxpayers herein required to report shall contain the following information and such other information as the State Tax Commission shall deem necessary. The Commission shall prescribe the form of the report and may provide different forms for different classes of corporations and companies and shall furnish printed blank forms for the making of the report.

(1) Reports on Franchises—Every railway company or corporation, and guarantee or security company, gas companf, water company, pipe line company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair-car company, steamboat company and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, also every corporation organized under the laws of Kentucky, whether doing business in this State, or not, and every corporation organized under the laws of any other State or country and doing business in Kentucky, except banks and trust companies, and insurance com-

panies elsewhere in this Act provided for, whose franchises are hereby declared to be covered by the taxes otherwise computed; and except, further, religious, benevolent and other corporations not organized for profit, whose property is exempt under the Constitution of this State, and including further every person, firm, partnership or association exercising, or possessed of the right to exercise, any special or exclusive privilege or franchise granted by the Commonwealth, or by any county, city or other governmental authority, or performing any public service, shall, in addition to the taxes imposed on its tangible property by law, annually pay a tax on its franchise to the State and a local tax to the county, incorporated city, town or taxing district where its franchise may be exercised and shall file with the State Tax Commission a report on its special franchises and on its corporate franchise setting forth the following facts as of September first in the year for which the report is made, or for the year ending September 1st as the case may be, viz.: the name and principal place of business, the State or country under the laws of which it is organized, the name and postoffice address of its officers or agents in this State, and the name and postoffice address of the officer or agent who is charged with the duty of paying taxes, the kind of business engaged in, the number and par value of the shares of capital stock, preferred or common, authorized; the number of shares of capital stock issued and outstanding, the amount paid thereon in cash and the amount paid in in property or other considerations; the highest price at which any such stock has been sold or transferred by the company or by any stockholder at a bona fide sale within twelve months preceding the 1st day of September in the year in which the statement is made, or if no sale has been made, the amount at which any bona fide offer of sale or of purchase was made; the amount of surplus funds and undivided profits and the value of all other assets; the amount of all indebtedness, showing separately the bonded debt, mortgages, notes and

all unsecured or other indebtedness; the gross receipts and the net income, from all sources for twelve months next preceding September first in the year in which the statement is made; the expenses incurred for the same period; the amount, kind and true cash value of all tangible property taxable in this State, and where situated and assessed, or liable to assessment; the amount and true value of all nontaxable property owned; the assessed value of all property, other than the franchise, owned on the first day of September, whether acquired since assessment or assessed in the name of the company or person reporting as assessed on the last completed State or county assessment roll; and any and all facts which the State Tax Commission shall require.

Interstate Companies—In the case of corporations or companies doing business in this State and in other States, except railroad companies, telegraph and telephone companies, car companies, express companies, and all other companies doing a public service, each company shall report the total amount of business done both within and without this State and the amount done within this State, also what proportion, as nearly as may be ascertained, of its aggregate capital is invested and used within this State, what proportion of its employees are employed within the State, and how many agents or business correspondents it has within this State.

Railroad and Other Companies to Report Additional Items—Railroad companies, telegraph and telephone companies, car companies, express companies, pipe line companies, and all other companies doing a public service, and doing business both within this State and in other States, shall, in addition, report the length of the entire lines owned and operated both within and without the State, and the length of the said lines within the State; also, the length of the lines owned, but not operated and by whom operated, both within and without the State; also the length of the lines operated but not owned, and by whom owned, within and without the

State; also the length of the lines owned and operated, owned but not operated, and operated but not owned, in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes, in this State.

Net and Gross Receipts—They shall also report the gross and net receipts within and without the State, including among the receipts within this State that proportion of the receipts from interstate business reasonably attributed to this State. The gross receipts attributable to this State shall include the receipts from business beginning and ending in this State, and that proportion of the receipts from interstate business, which the mileage of the roads, lines, or routes, over which such interstate business is done within this State, bears to the total mileage over which such business is done.

(2) Railroads to Report on Physical Property—Railroad companies operating within the State, including interurban and street railways, shall, in addition to the facts required concerning the franchises, report the following facts concerning the physical property:

a. The whole number of miles of railway owned and operated in the State, and, where the line is partly within and partly without the State, the whole number of miles within and the whole number of miles without, owned and operated by the company reporting.

b. The whole number of miles owned but not operated, and by whom owned, both within and without the State.

c. The whole number of miles operated but not owned, and by whom owned, both within and without the State.

In regard to lines owned but not operated, or operated but not owned, a statement showing who under the terms of the lease or otherwise operating is responsible for, or will assume, the payment of the taxes which may become a lien on the property.

d. The number of miles of right of way, showing sepa-

rately that used and unused, in this State, and in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes, in this State, showing separately, also, the right of way for main line, and that for spurs, wyes, sidings, and other track appurtenances and the width of all rights of way with a general description thereof.

e. A description of the road bed, rails, bridges, of any double track, of spurs, wyes, sidings and other track appurtenances; of signal systems, telegraph lines, telephones, and other appliances for communication; of any terminal facilities within this State; all by convenient or by recognized divisions, lines, or sections of the road, and by political subdivisions of this State, together with the value thereof per mile of rights of way in each political subdivisions of this State.

f. The depot grounds and buildings, other lands and buildings, or structures, all section houses, barns, warehouses, packinghouses, elevators, and other structures on or off the right of way, and the value thereof in each political subdivision of this State.

g. The number, kind, and value of all rolling stock owned or hired and used on the entire system operated, and the proportion thereof used within the state, together with the value of each kind and class used on the entire system and of such used within this State.

Statement to be Filed But Once—Whenever a complete statement of the above items, (a) to (g) inclusive, has once been filed to the satisfaction of the State Tax Commission, no annual restatement thereof need be filed thereafter unless required by the Commission, but all changes which may be necessary to keep the statement up to date and true for each succeeding year, shall be reported annually.

(3) Other Public Utilities to Report Tangible Property—All telephone and telegraph companies, all car companies, all express companies, all oil pipe line companies, all

gas companies, all electric light companies, all electric power companies, all press dispatch companies, and also all other corporations, companies or associations, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service whenever any of said companies have property lying in two or more counties, shall report, in addition to the report above provided for, all their tangible property in such form and in such detail as the State Tax Commission shall prescribe, including all rights of way, poles, wires, pipes, conduits, cables, switchboards, telephone and telegraph instruments, batteries, generators and other electrical appliances, all exchange and other buildings and lands, canals, tunnels, ditches, flumes, aqueducts, dams, reservoirs, water sources and water rights, transformers, substations, gas holders, gas and electric generators, meters, gas and electrical appliances, oil tanks, power plants, pumping plants, pipe lines, power houses, cars and other rolling stock, trucks, wagons, horses, harnesses, and safes, and all other physical, tangible and intangible property of every sort and description. And all such companies, shall further, upon the demand of the State Tax Commission, furnish any map or other descriptions of its properties which said Tax Commission may require.

(4) Local Officials to Report Boundaries of Districts —The State Tax Commission may require any State, county, city or town, or district officials having knowledge of the same to file a statement or a map showing where any railroad or other public utility crosses the boundary when entering or leaving their counties, cities, towns or districts, and upon application of any railroad or other public utility shall furnish such railroad or other public utility with a copy thereof.

(5) Banks and Report What—It shall be the duty of the president, cashier or other chief officer of each bank or trust company, organized under the laws of this State, or under the laws of the United States, or of any other State or country and located in this State, to make and deliver to the

State Tax Commission a verified statement, in such form and detail as the State Tax Commission shall prescribe, showing the following facts:

The name and postoffice address of the bank or trust company; the name of the president, cashier and directors and their postoffice addresses; the number of shares of the capital stock and the par value thereof; the amount paid in on the capital stock; the amount of the surplus and of the undivided profits; the market value of each share of stock; the amount and value of all real estate situated in this Commonwealth, held and owned by the bank or trust company and the assessed value thereof; all the assets and liabilities; the loans and deposits; and such other information as the State Tax Commission shall require. The items shall all be reported as of the close of business on the first day of September or on the nearest business day thereto. Provided, that, in each year when there is to be a revaluation of real estate affecting any real estate owned by any bank, that bank may postpone reporting the assessed value of such real estate until the revaluation shall have been completed, but it must, in the report above provided for, state the true value of, and give a description of the real estate.

(6) Railroad Bridge Companies to Report—Railroad bridge companies shall report, in addition to the information required in the report on their franchises, the following information concerning their tangible property. The location of the bridges, a description of the structure, and of all rights of way leading thereto, all other real estate owned, including all buildings and structures, all machinery and all personal property, the railroad companies using the bridge or bridges and the terms of such use, and such other items as the State Tax Commission shall prescribe.

(7) Turnpike Companies to Report—Every turnpike company shall, in addition to the report required on the franchise, make a report on the tangible property, showing the whole length of the road, the length of the road in each

county, the width of the right of way, all real estate owned, all buildings or other structures, machinery and tools and such other matters and things as the State Tax Commission shall require.

(8) Reports on Spirits—Every owner or proprietor, whether a corporation, a partnership, or other, of a distillery bonded warehouse in which distilled spirits are stored shall, between the first day of September and the first day of October of each year, report the quantity and kind of spirits in such warehouse on the first day of September in the year in which the statement is required to be made, the dates when the spirits were made, the county, city, town or taxing district in which the warehouse is situated, whether or not the United States Government tax has been paid thereon, if not, the date of expiration of the bonded period, the fair cash value of the spirits, estimated at the price it would bring at a fair voluntary sale, and such other facts as the State Tax Commission may require.

§ 3. Verification—All statements or reports, required under Section two above, shall be verified. In the case of a corporation, the verification shall be by the president, cashier, secretary, treasurer, manager, resident agent, or some other chief and responsible officer, receiver, assignee, trustee, administrator, executor or other person in control, whose affidavit shall be satisfactory to the State Tax Commission. In the case of individuals, firms or partnerships, by the owner or a member of the firm or partnership.

§ 4. Assessment, How Made in Case of Failure to Report—If any company or person, required to make the report provided for in Section two of this subdivision, shall, after demand therefor, fail or refuse to furnish the State Tax Commission, within the time prescribed in this Act, the verified report required to be made, the Commission shall make a note of such failure in the assessment roll of the State hereinafter in this Act provided for, and shall make an estimate, from the best information it can obtain, of all matters

and things required to be reported, and shall make an assessment of the franchises, shares, or other property to be assessed. This assessment shall be known, for convenience as an arbitrary assessment, but shall be as fair and equitable as possible. The Commission shall send notice of this assessment to the last known postoffice address of the company or person assessed and shall allow the company or person ten days in which to show cause why the assessment should not be final. After a lapse of ten days the assessment shall be final, unless cause for correction be shown.

Penalty for Failure to Report—If in any succeeding year the company or person again fail or refuse to report, the same procedure shall be followed, and a penalty equal to the tax shall be added thereto to be collected in the same manner as the tax is collected. For each subsequent failure, the tax and penalty shall be an amount equal to the tax plus twice the penalties imposed the preceding year.

Company's Penalties—Any company wilfully failing or refusing to make and furnish any report prescribed in this Act, or rendering a false or fraudulent report, shall be guilty of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each offense.

Officers' Penalties—Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this Act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or to be imprisoned not exceeding one year in the county jail of the county where said report was verified, or in the county where the State Tax Commission's principal office is located, or be subject to both said fine and imprisonment, at the discretion of the jury.

§ 5. How Franchises Are To Be Assessed—In making the assessment of franchises, the State Tax Commission shall,

from the reports of the companies and persons required to be filed, as provided in this subdivision, or from any other available sources of information, fix the value of the aggregate capital stock employed by the company or person within this State, whether such capital stock be represented only by the shares of common or of preferred capital stock in the narrower sense of the term "capital stock," or also by bonds, notes, or other securities used to obtain funds, or capital stock in the broader sense of that term, used in the conduct of the business.

Determination of Capital Stock—In thus determining the value of the aggregate capital stock, the State Tax Commission may consider the prices at which the shares of capital stock, the bonds or other securities were sold or transferred, or at which they have been quoted for sale or purchase. It may also consider the earnings of the company available for dividends, the interest promised and that being paid, or available to be paid, upon bonds, and all other profits or receipts. It may consider also any other related facts pertinent to a determination of the true value of the aggregate capital stock. It shall specially consider the fact of incorporation, the ownership, enjoyment, or exercise of any special privileges, patents, or other rights, and the existence of contracts and business agreements and business connections and other similar factors, contributing to the value of the aggregate capital stock.

Interstate Business of Non-utility Companies—In the case of corporations or companies other than railroads, telephone and telegraph companies, car companies, express companies, pipe line companies, and other public service companies doing business in other states as well as in this State, the State Tax Commission shall determine the value of that part of the capital stock which is used in this State. In making this determination, the State Tax Commission may consider the gross and net receipts within and without the State, including among the receipts within this State that propor-

tion of receipts from interstate business reasonably attributable to this State; the actual investment of capital within this State, in land, buildings, machinery and other property; the number of employees, agents, business correspondents and the like within this State; and any other facts pertinent to a fair and equitable apportionment of the capital stock to this State.

Interstate Public Utilities—In the case of railroads, telegraph and telephone companies, car companies, express companies, pipe line companies, and other public service companies, the road, lines, and routes of which extend beyond the State, the State Tax Commission shall fix the value of the aggregate capital stock of the company, both within and without the State, and shall determine what proportion thereof is used within the State. In determining the value of the capital stock used within this State, the Commission may consider the ratio of the number of miles of road, lines, or routes operated within the State to the total number of miles of road, lines or routes operated both within and without the State. It may also consider the ratio of gross receipts within the State to the total gross receipts within and without the State. In considering gross receipts, it may attribute to this State all receipts from business beginning and ending in this State, and that proportion of the gross receipts from interstate business which the mileage of roads, lines, or routes, over which such interstate business is done within the State, bears to the total mileage over which such business is done. It may also consider what allowance or deduction, if any, should be made for parts of the capital stock invested in other roads, lines, or routes not operated as part of the system entering this State, or which is invested in property or used in business of another character, or otherwise not representing any part of the system operated in direct conjunction with the roads, lines or routes entering this State. It may also consider what additions should be made to the proportion of the capital stock deemed to be used in this State,

or to proportion outside the jurisdiction of the State for plants, works or other special facilities within, or, respectively, without the State, for differences in the original cost, present value or earning power of different parts of the system. It may also consider any other facts pertinent to a fair and equitable determination of the proportion of the aggregate capital stock used within this State.

Kentucky Companies Operating Outside the State—If any company of the kinds named in this section being a company organized under the laws of this State have all its rails, lines or routes outside of this State, the State Tax Commission shall fix the value of its entire capital stock as hereinbefore provided, and apportion to this State for taxation therein the proper proportion and not less than one per cent of its said capital stock, and the amount so apportioned shall be the value of its intangible property, including its corporate franchise, stocks, bonds, securities and choses in action, subject to taxation in this State and in the county, city, town and district where its principal place of business in this State may be located.

Franchises—How Measured—From the value of the aggregate capital stock of each company as determined by the State Tax Commission, there shall be subtracted the assessed value of all tangible property taxed in this State, whether assessed by the county tax commissioners, or by the State Tax Commission itself, and the value of all non-taxable property in this State belonging to the company. The difference or remainder shall be considered the value of the intangible property of the company, or the value of the franchise as the term "franchise" is used in this Act.

§ 6. Commission to Assess Physical Property—The State Tax Commission shall each year value and assess the physical or tangible property within this State of all the corporations and companies enumerated in Section one of this subdivision and shall determine the amount thereof in each political subdivision of the State having taxing power.

In determining the value of the physical property, the State Tax Commission shall be guided by the reports required to be made under this Act, but it may take into consideration any and all other sources of information available. It may inspect the property and may send its duly accredited representatives to do so. The Railroad Commission shall grant to the State Tax Commission access to any and all of its files and records bearing upon the value of railroads.

§ 7. Assessment of Bank Shares—The shares of the capital stock of all banks and trust companies, doing business in this State, shall be subject to taxation, both for state and local purposes, in the same manner and at the rates as other property is taxed, and upon the basis of valuation and assessment hereinafter in this section provided for.

The State Tax Commission shall each year value and assess the shares of the capital stock of all banks and trust companies doing business in this State. The shares of the capital stock of the banks shall be assessed and taxed in the city or town where the bank is located and not elsewhere. The assessment and taxation of the shares of stock of banks organized under the laws of the United States shall not be at greater rate than is assessed upon the shares of stock of other banks and trust companies in this State. In making the assessment, the Commission shall first determine the actual value of the shares, and shall then deduct therefrom the assessed value of any real estate situated in this State and owned by the bank or trust company in its own right. The shares of the capital stock of all banks and trust companies shall be assessed to the owners or holders thereof. But it shall be sufficient to describe the owners or holders as the "owners or holders of the shares of stock in the Bank of..... .....," inserting the name of the bank. The banks shall be liable for all taxes on the shares and shall act as the agent of the shareholders for reporting the value of the shares, and shall pay the taxes on behalf of the shareholders.

In the case of banks not having shares of capital stock, of agencies or branches of banks not incorporated under the laws of this State and of any analogous banking houses, the State Tax Commission shall assess the moneyed capital used in this State by each such bank, agency, branch, or other banking house. The shares of capital stock of solvent banks in liquidation shall be assessed as the shares of other banks are assessed. The shares of insolvent banks in liquidation shall be assesed at, a nearly as may be, the amount that will be realized by the shareholders after liquidation has been completed.

The assessment of shares of capital stock of banks and trust companies, provided for in this section, shall be taken to include the value of all notes and mortgages held by such bank, and notes and mortgages owned by any bank shall not be separately assessed. Any bank or trust company assigning any mortgage, any bond or note secured by a mortgage upon real estate, or by vendor's lien upon real estate, and failing to transfer of record such mortgage or lien before the September first following such assignment, shall be liable to a fine of $1,000, and in addition shall be liable for all taxes upon such note or mortgage.

§ 8. The State Assessment Roll—On or before January first in each year, the State Tax Commission shall make an assessment roll, or book or books, to be known, for convenience, as "The State Assessment Roll," and shall enter therein the names of taxpayers whose property has been assessed by them as provided in Section one of this subdivision, together with their last known postoffice addresses, and the kind and assessed value of the property assessed by it. It shall deliver the State assessment roll when completed to the Auditor of Public Accounts, who shall extend the State tax against the property shown therein.

§ 9. Assessments Apportioned to Counties—All assessments made by the State Tax Commission shall, by that Commission, be apportioned to the counties in which the property

so assessed has its situs. The State Tax Commission shall, on or before December first in each year, certify to each county tax commissioner, the names of the taxpayers whose property has been assessed and apportioned to the county, together with the last known postoffice addresses of the taxpayers, the kind and assessed value of the property assessed by the ommission, and such other details as the Commission shall deem necessary. The county tax commissioner shall enter the assessments so certified to him in a part of the assessment roll, book or books of the county, to be designated "the roll of property assessed by the State Tax Commission," and shall segregate the same to the different taxing districts within the county. The county clerk shall, as hereinafter in this act provided, extend against this property all taxes to which it is subject, save and except the State tax, and he shall make no entry of the State tax on this part of the roll.

§ 10. Notice of Time for Hearings—On or before the first day of December in each year the State Tax Commission shall complete the assessment and shall publish a notice in one daily paper published at the State Capital, one daily paper having a general circulation in the eartern part of the State, one having a general circulation in the central part of the State, and one having a general circulation in the western part of the State, stating that it has completed the assessment of property to be assessed by the State Tax Commission and that the assessment roll thereof will be delivered to the Auditor of Public Accounts on the first day of January, and will on that day certify the assessments to the tax commissioners for insertion in the county rolls, and that if any corporation, company, person, firm, partnership, or association is dissatisfied with the assessments made by the Commission, it may at any time before the first day of January apply to the Commission to have the same corrected in any particular. The Commission shall have power at any time before the first day of January to correct the State assess-

ment roll and to raise or lower any assessment therein of its own motion, or on application as above provided, if in its judgment, the evidence presented or obtained warrants such action.

Article IV.

Review and Equalization.

Subdivision I.

County Board of Supervisors.

§ 1. Appointment of Boards of Supervisors—Prior to the year of 1917 and thereafter in every year in which a quadrennial revaluation of real estate is to be made, or in any year when a revaluation of real estate has been ordered by the State Tax Commission, the county judge of each county concerned shall, at the November term of the court, appoint five intelligent, discreet housekeepers, who are owners of real estate and who reside in different portions of the county, to constitute the board of supervisors of assessments for the county. In counties in which there is a city of the first or second class, he shall appoint three additional persons from each such city, who shall be residents of different wards therein; and in counties in which there is a city of the third or fourth class he shall appoint two additonal persons from each such city who shall be residents of different wards therein, and the persons so appointed from the cities shall, with the other five above provided for, constitute the board of supervisors of assessments for such counties.

§ 2. Boards of Supervisors for Review of Personal Property—In years when no revaluation of real estate is to be made, the county judge may, if he deem it necessary, appoint a similar board of supervisors of assessments, and he must do so when requested to do so by the State Tax Commission, or by the fiscal court of the county or by that board, body, commission or court which may in any county take

over and exercise the functions usually exercised by the fiscal court.

§ 3. Sheriff to Serve Appointments—The clerk of the county court shall make as many copies of the order appointing such supervisors as there are supervisors appointed and one more, and deliver same to the sheriff of the county, who shall deliver a copy to each supervisor at least twenty days before the first day of January thereafter and make due return thereof to the clerk of the county court.

§ 4. Oath Supervisors Shall Take—The supervisors, before they enter upon the discharge of their duties, shall take the following oath:

"You swear that you will, to the best of your ability, discharge the duties required of you as supervisor of tax, and that, in each instance where the property has not been assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale, you will increase or decrease the value and fix the value at what you believe the property would bring at a fair voluntary sale."

§ 5. Penalty for Failure to Attend Sessions—The failure to be in attendance promptly on the day fixed for the session of the board to begin shall, without a reasonable excuse, subject the person or persons so failing to a fine of not exceeding twenty-five dollars; and the vacancy or vacancies so created, or from any other cause, shall be filled by the county judge.

§ 6. Meeting of Supervisors and Duties—The county boards of supervisors of assessments shall convene in public session at the county seat of their respective counties on the first Monday in January of the year succeeding their appointment. The county clerk shall act as secretary of the board. At the time of their convening, the county clerk shall lay before the county board of supervisors the assessment roll or books, together with the maps, records, statements and copies of any orders of the State Tax Commission used or followed by the district tax commissioners in making the

assessments. The board of supervisors shall examine the books and ascertain:

(1) Whether all property subject to taxation has been entered thereon and whether any has been assessed more than once; (2) whether all the requirements of the law with respect to assessments have been complied with; (3) whether the real estate, and other property has been valued according to law and the true values entered in the assessment roll.

§ 7. Supervisors' Powers—The board of supervisors shall have power, and it shall be its duty:

(1) To order the district tax commissioner to enter in the assessment roll, and to fix the value of any property found to have been omitted; (2) to order the district tax commissioner to correct any erroneous entries, to cancel duplicate assessments and to make the roll conform to the law; (3) to hear the complaints of any taxpayers claiming to be aggrieved by any unjust or unequal assessments, and, after consulting with the district tax commissioner or his deputy, may order the tax commissioner to raise or lower the assessments made of the property of the taxpayers appearing and complaining, but no taxpayer who has failed, refused, or neglected to file with the tax commissioner a sworn statement of his property shall be entitled to be heard, nor shall his assessment be reduced; (4) to raise, on its own motion, any or all assessments found in the rolls, but no assessment shall be lowered, save as provided in sentence (3) immediately above; (5) to summon witnesses and to examine them under oath. Any person who shall wilfully fail to obey the summons of the board, or shall refuse to testify before it when required, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

All orders issued to the county tax commissioner shall be entered in the minutes of the board and duplicate copies thereof transmitted by the county clerk, one to the county tax commissioner and another to the State Tax Commission.

The orders shall be numbered, and when making the entries or corrections ordered by the board, the county tax commissioner shall make a marginal reference to the order complied with. In all its actions, the board of supervisors must conform to the rules and orders of the State Tax Commission in the same manner as is required in this Act of the county Tax Commissioners. The County Tax Commissioner shall comply with all orders of the board. But the State Tax Commission, may on appeal, annul any order, and in that event the county tax commissioner shall regard the order as void.

§ 8. Review of Personal Property—In the years in which the regular quadrennial revaluation of real estate is to be made, or any special revaluation of real estate has been ordered by the State Tax Commission in any county, city or town, the boards of supervisors shall devote special attention to the values of real estate and make every effort to bring about a full assessment thereof. In all other years, any board of supervisors which may be appointed and convene shall make no changes in real estate values, save of new improvements added, but shall confine their orders to the values placed upon personal property and new improvements.

9. Sessions of Supervisors—In each year when a revaluation of real estate is to be made, the board of supervisors shall hold two sessions with an interval of two weeks between them. In all other years there shall be but one session. In counties having a population of less than twenty thousand and not containing a city of the first, second, third or fourth class, the first session, or the only session, shall continue not less than two, nor more than six days; and in counties having a population of twenty thousand or more, and not containing a city of the first, second, third or fourth class, the board shall continue in session not less than two nor more than eight days; and in counties containing a city of the first class, the board may remain in session not to exceed twenty days; and in counties containing a city of the scond class the board may remain in session not to exceed

fifteen days; and in counties containing a city of the fourth class, the board may remain in session not to exceed ten days. The second session shall, in counties having a city of the first or second class, continue not less than one nor more than ten days, and in all other counties, not less than one nor more than five days.

§ 10. County Clerk to Notify of Changes—It shall be the duty of the county clerk to notify all taxpayers, whose assessments have been ordered made or changed, of the assessment or change and the amount thereof. Such notices shall be sent by mail to the last known postoffice address of the taxpayer. If the address be not known, the sheriff shall serve them. The cost of mailing the notices, or of services, shall be paid out of the county levy.

§ 11. Appeal From Decision of Supervisors—Taxpayers dissatisfied with the action of the county board of supervisors, or who by reason of the shortness of the sessions of that board have not been heard, shall have the right to appeal to the State Tax Commission. Such appeals must be presented before the first Monday in February; any later appeals are hereby barred. The appeal may be in writing and sent by mail, in which case it must be verified under oath, or it may be presented in person. The appeal may be heard by the County Judge and the facts obtained at the hearing shall be certified by him to the State Tax Commission. The Commission shall decide the appeal and its decision shall be final. But no taxpayer who has failed, neglected or refused to file a sworn statement of his property shall have the right of appeal, nor shall any such appeal, if attempted to be made, be granted or heard.

§ 12. Certificate of Supervisors—The board of supervisors shall keep a record of the proceedings and of all formal orders issued. They shall annex their certificate to the assessment roll, book or books, certifying that they have examined the same, and approve them, when amended or corrected as ordered, and shall return them with the record of

their proceeding to the county clerk as soon as their last session be over.

§ 13. Compensation of Supervisors—The supervisors and the clerks shall be allowed for their services four dollars per day for each day they shall be necessarily employed, to be paid one-half out of the State Treasury and one-half by the county. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above compensations computed as above directed. The clerk shall certify to the county court the approval of the assessment roll, book or books, and the number of days of the sessions and the amount due for compensation. The county court shall enter the facts of record and shall certify the same to the State Tax Commission, who, if it finds that the proceedings were in order, shall transmit the claims of the supervisors and clerks against the State to the Auditor of Public Accounts, who shall pay the same in the same manner as other legal claims against the State are to be paid. The county court shall also certify the claims of the supervisors against the county to the fiscal court for payment and said court shall provide for their payments.

§ 14. Irregularities Not to Invalidate—Any informality or irregularity in the discharge of their duties by the supervisors, and any failure of duty on their part, shall not render any assessment invalid.

§ 15. Tax Commission May Sit With Supervisors—The State Tax Commission may send one or more of its members to attend any session of the board of supervisors, or may send its accredited representative to attend such session or sessions, and such members or representatives shall be empowered to sit with the board of supervisors, and to take part in its proceedings, but shall not have a vote.

§ 16. Books and Records Returned to Clerk—Upon completion of the work of the board of supervisors, the assessment roll, book or books shall be taken in custody by the

county clerk, and all maps, statements, orders of the State Tax Commission or other records shall be returned to the county tax commissioner.

§ 17. Supervisors Not to Raise State Assessments—No board of supervisors shall raise or lower any assessment of property subject to assessment by the State Tax Commission and apportioned to the counties as provided in subdivision three of Article three of this act.

Subdivision II.

The State Tax Commission to Act as State Board of Equalization.

§ 1. State Board of Equalization—How Constituted—The State Tax Commission shall constitute the State Board of Equalization. It shall have power, at the time of the session provided for in the next section, to raise or lower the assessed value of the property assessed on the rolls of any county, either as a whole or by classes. But it shall not have power to raise or lower any individual assessment, after the same has been approved by the board of supervisors, save on appeal from rulings of a county board of supervisors, as provided for in subdivision 1 of this article.

§ 2. Meetings—The State Tax Commission shall convene at the State Capitol as the State Board of Equalization on the second Monday in February in each year, and remain in continuous session, for the purpose of equalizing the assessment of property between counties throughout the State, for thirty days, or longer, if deemed necessary by the board. It may adjourn its sessions at the State Capitol to reconvene in any county.

§ 3. To Examine Assessments—At this session, the State Board of Equalization shall carefully examine the reports of the district tax commissioners as to the valuations of property in each county, and shall examine the orders made by the county boards of supervisors and shall compare

them with all data on file in their office or obtainable from any source, and shall determine whether the assessments conform to the true value in money of the property assessed.

§ 4. Percentage to Be Added or Subtracted—Equalization shall be accomplished by directing that a given percentage shall be added to or subtracted from the assessed value of all the property on the rolls of any county or added to or subtracted from the assessed value of any class of property. Provided, that no percentage shall be added to or subtracted from money or other cash items on the roll by directing that that the County Board of Supervisors shall be re-assembled by the county judge and revise the assessed value of all property on the rolls of that county, or of the assessed value of any class of property, so that the revised assessment will show an increase or a decrease of a given percentage.

§ 5. Percentages on Real Estate—Only in those years when a revaluation of real estate has been made, shall any percentage be added to or subtracted from the assessed value of real estate in any county, except new improvements, but in those years the State Board of Equalization shall give special examination to the completed assessments of real estate.

§ 6. Notifications to Counties of Changes—When it is contemplated by the State Board of Equalization that it will be necessary to raise the assessed value of property in any county, it shall give public notice in that county, in such manner as it shall deem sufficient, to the taxpayers of the county, and to the county court of the county, of the contemplated action, and shall set a day and fix a place for a hearing. At that time and place any taxpayer of the county, or any officer thereof, may appear and shall be heard. The county court may appoint not to exceed five witnesses or accredited representatives of the county to appear at such hearings. The compensation and expenses of such witnesses or representatives shall be paid by the county.

§ 7. When No Equalization is Deemed Necessary—If

the State Tax Commission shall be satisfied that in any one year, through its supervision of the work of the county tax commissioners of the county boards of supervisors, it has already brought about substantial equality in the assessments throughout the State, it may, on the first day of its session as the State Board of Equalization or within three days thereafter, by notice given to the county court of each county, declare that no percentages will be added to or subtracted from the assessed values of any county on the board's own motion. But any county or any taxpayer within any county, believing the assessed values in any county to be higher or lower than those of any other county, may within ten days after the day of the issue of the notice of non-intention to equalize, demand a hearing, and said hearing shall be granted and a day and place fixed therefor. In such case the assessed valuation of each and every county shall be subject to equalization as though the notice of intention to make no changes had not been issued.

§ 8. Certificate of Changes to County—Whenever the State Board of Equalization shall have raised or lowered the assessed valuation of property in any county, or any class of property in any county, it shall prepare a verified certificate of such action and forward the same to the county clerk of the county affected. Upon receipt of this certificate, the county clerk shall at once correct the assessment roll by adding or deducting the percentage ordered from each and every assessment to which the action of the State Board of Equalization applies.

When the State Board of Equalization has completed its work, it shall notify also all counties whose assessments were not changed of that fact.

§ 9. Certifications to Auditors—Immediately upon the completion of its work and not later than May first, in each year, the State Board of Equalization shall certify to the Auditor of Public Accounts the final equalized value of the property assessed in each county in the State. The Auditor

of Public Accounts shall at once compute the amount of taxes due from each county on the property assessed upon its rolls and shall cause to be printed and sent to each county clerk, each county court and each fiscal court, or its successor in powers, a statement showing the assessments made on property within each county and the State taxes due therefrom. In its report to the Auditor of Public Accounts the State Board of Equalization may give the assessed property by counties in such classes or in such detail as it shall deem necessary and the Auditor of Public Accounts shall publish his statement in substantially the same detail.

ARTICLE V.

DUTIES OF THE COUNTY CLERKS IN RELATION TO THE REVENUES.

§ 1. County Clerk to Check the Roll—The county clerk shall, after the examination and approval of the assessment roll by the board of supervisors attesting the accuracy of the extensions and additions on said books, make the additions for each of the columns or lines required to be added and determine the aggregate value or other totals in said assessment roll. He shall also make a recapitulation on blanks to be furnished by the Auditor of Public Accounts and record a copy of said recapitulation in said assessment roll with his official seal attached, and send another copy to the Auditor of Public Accounts. It shall be his duty to see that all footings, additions and recapitulations are correct.

He shall annually make out, for the use of the sheriff or collector, in a book furnished by State Tax Commissioner, a correct list of all tithes, and shall deliver the same to the sheriff or collector on or before the first day of March, and take his receipt therefor. For attesting the accuracy of the extensions and additions on said book and for making the additions of each column, and for making out said list of tithes for the sheriff, and for computing and extending the amount of the taxes due, the county clerk shall be allowed

annually, out of the State Treasury, three (3) cents for each tax computed against any taxpayer, and also for each line calling for the total values and total taxes. The clerk shall present his account to the county court, verified by his affidavit, which shall be approved and allowed by the court, if found correct, and duly certified to the Auditor, who shall draw his warrant on the treasurer for the amount, and for making out said recapitulation sheet and recording the same in the tax book, said clerk shall receive two (2) cents for each line across the page thereof, including the last number of total values and the same compensation for copy certifying said recapitulation sheet to the Auditor, to be ascertained by the Auditor and paid by the Treasurer on the warrant of the Auditor. It shall be the duty of the county clerk, after the approval of the tax books by the Board of Supervisors, to mark with a perforating punch, each line of said tax book and the recapitulation sheet, or sheets, upon which a list is not already entered. The fiscal court shall furnish the clerk with said punch. The failure of the county clerk to comply with this provision will subject him to a fine of fifty ($50.00) dollars which may be recovered by warrant or indictment.

§ 2. County Clerk's Preliminary Report to State—The county clerk must, on or before March first in each year, prepare from the assessment roll of his county, as corrected by the county tax commissioner under the orders of the board of supervisors, a statement in duplicate, showing in separate columns:

(1) The number of acres of land.

(2) The total value of all property.

(3) The value of all lands.

(4) The value of all improvements on land.

(5) The value of personal property in such classes as the State Tax Commission shall prescribe.

(6) The assessed value of all property sold for delinquent taxes.

(7) Such other items as the State Tax Commission or the Auditor of Public Accounts shall prescribe.

As soon as it is prepared, the clerk shall transmit, by mail, one copy thereof to the Auditor of Public Accounts and the other to the State Tax Commission.

§ 3. County Clerk to Complete the Roll—As soon as the county clerk receives from the State Tax Commission a statement of the changes ordered to be made by it, when acting as a State Board of Equalization, in the assessment roll of the county, he must make the corresponding changes in the assessment roll of his county by entering the same in a column to be provided with a proper heading in the assessment book or books. In computing the assessments so changed, any fractional sum when equal to or more than fifty cents shall be counted as one dollar, and any less than fifty cents shall be omitted, so that the value of any separate assessment shall contain no fraction of a dollar.

§ 4. County Clerk to Extend the Taxes—The county clerk must then complete and enter in a separate money column in the assessment book or books, the respective sums, in dollars and cents, rejecting all fractions of a cent, to be paid as a tax on the property therein enumerated, showing also the total amount of all taxes, and the total value of all property as assessed and equalized.

§ 5. County Clerk's Oath—On or before June first in each year the county clerk must deliver the corrected assessment book or books, with the taxes entered therein, to the sheriff, with an affidavit attached thereto, and subscribed by him substantially as follows:

"I, ..., county clerk of the county of..... ....., do swear that I have examined the assessment book or books of this county and find that they are properly corrected to conform to the action of the board of supervisors, and that I have further corrected them to conform to the action of the State Tax Commission; that I have reckoned the respective sums due as taxes, and have added up

the columns of valuation, taxes, and acreage as required by law."

§ 6. County Clerk to Charge the Sheriff with Taxes and Hand Final Report to Auditor—On delivering the assessment book or books to the sheriff, the county clerk must charge the sheriff with the full amount of taxes levied, except the taxes due the State on assessments made by the State Tax Commission and entered in the State assessment roll. He shall forthwith transmit to the Auditor of Public Accounts, in such form and detail as the Auditor shall prescribe, a verified statement of the amounts so charged showing separately State and local taxes. Any county clerk failing to forward such statement to the Auditor of Public Accounts for ten days after the roll has been delivered to the sheriff shall forfeit to the Commonwealth one thousand dollars, to be recovered on his bond by action brought by the Attorney General in the name of the Auditor of Public Accounts.

§ 7. Change of Sheriffs—When any assessment roll is transferred from one sheriff to another, the county clerk shall credit the one and charge the other with the amount then outstanding on the assessment roll.

Article VI.

Collection of Taxes.

Subdivision I.

Collection by Sheriff—Bond and Duties.

§ 1. Sheriff to Collect—The sheriff, by virtue of his office, shall be collector of all State, county and district taxes, unless the payment thereof is, by law, especially directed to be made to some other officer.

§ 2. Sheriff Bond and Quietus—Qualifications of Sureties—Lien—The sheriff or collector shall, on or before the first day of March next succeeding his election, and on or

before the said day annually thereafter, enter into bonds with surety for the faithful performance of his duties. A quietus by the Auditor of Public Accounts, and from the fiscal court of his county for the preceding year shall be produced by each sheriff or collector to the county court on or before thae day, and no tax book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he receives his certificate of election up to and including the first day of March succeeding his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose. The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payments of all their debts and liabilities, a sum equal to the aggregate amount of money, which may probably be received by the sheriff or collector during the year succeeding the execution of the bond. The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff or collector, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of the office of sheriff or collector, or a de facto sheriff or collector, or any person who may act as sheriff or collector.

§ 3. Failure to Execute Bond Forfeits Office—Appointment of Sheriff or Collector—On the failure of the sheriff or collector to execute bond and qualify as hereinbefore provided, he shall forfeit his office, and the county court may appoint a sheriff or collector to fill the vacancy until a sheriff or collector is elected, or it may appoint a collector for the county of all monies due the State, county or taxing district authorized to be collected by the sheriff, or it may appoint a

separate collector of all the monies due the State, county or any taxing district thereof during the vacancy in the office of sheriff; and in the event the county court fails for thirty days to appoint a collector of money due the State the Auditor of Public Accounts may appoint a collector thereof. Such collectors shall, within ten days after their appointment, execute bond as required of the sheriff, to be approved by the county court, and if the bond be not executed within said time the appointment of another collector may in like manner be made and qualified; but such collector shall only be required to give bond for and collect such taxes or monies as may be mentioned or provided for in order of the county court appointing him.

§ 4. Sheriff or Collector Who Forfeits Office—Not to be Appointed to Certain Offices—No sheriff or collector who shall forfeit his office under the preceding section, or who shall resign his office, shall be appointed deputy sheriff or collector for the county, or elisor or deputy collector or a deputy elisor; and if such appointment be made he shall receive no compensation for his services as such.

§ 5. Sheriff's Revenue Bond—The bond of the sheriff or collector shall be, in substance, as follows: We, A. B. (sheriff or collector, as the case may be), and C. I. and E. F., his sureties, bind and obligate ourselves, jointly and severally, to the Commonwealth of Kentucky, that the said A. B. (sheriff or collector, as the case may be), shall faithfully perform his duties. Witness our signature this.....day of..... ..... The bond shall be executed in duplicate, one of which shall be filed and recorded in the county clerk's office, and the other shall be sent to the Auditor of Public Accounts and filed in his office.

§ 6. County Court May Require Additional Bond—The county court may require the sheriff to give an additional bond or bonds, with good surety, to be approved by the county court whenever it may deem the interest of the State or county demands; and the sureties on all the bonds executed

by the sheriff shall be jointly and severally liable for any default of the sheriff during the term in which said bond may be executed, whether the liability accrues before or after the execution of such bond or bonds.

§ 7. Outgoing Sheriff to Deliver Office and Settle—Penalty—The outgoing sheriff, as soon as his successor has been qualified and his bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and shall make a full and complete settlement of his accounts as sheriff. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a sum not less than fifty nor more than five hundred dollars, and be liable on his bond for any default.

§ 8. Death of Sheriff—Sureties May Nominate Collector—If the sheriff shall die, resign or be removed during his term of office, his sureties shall have the right to nominate a person to collect the revenues for that year, and upon their written nomination of such person he shall be appointed by the county court, and the sureties shall remain liable to the Commonwealth for the taxes with which their principal was charged: Provided, That this section shall not apply when in any case the sureties, in the opinion of the county court, are not in the aggregate worth, in property subject to execution, above their debts, the amount of the taxes with which their principal was charged.

§ 9. Office at Courthouse—Books Kept by—Balances—The sheriff shall keep his office at the county seat of the county, except in counties where the sheriff has an office established in cities or towns other than the county seat, in which counties the sheriff shall continue his office at the place now established, and the fiscal court shall provide him with a room or rooms for an office with a vault or place of safety in which to keep the records of his office. He shall keep an accurate account of all moneys received by him, showing the

amount thereof, the time when, and from whom received and on what account; also, of all the disbursements made by him, the amount thereof, to whom paid, the time of payment, and on what account; and he shall so arrange and keep his books that the amounts received and paid on accounts of separate and distinct or specific appropriations shall be exhibited in separate and distinct accounts. He shall balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made.

§ 10. Sheriff's Books Open to Inspection—The books of the sheriff shall at all times be open to the inspection of the Auditor of Public Accounts, the Auditor's agent, the fiscal court or any member thereof, the Commonwealth's and county attorneys, or any taxpayer or person having any interest therein.

§ 11. Bookkeeping—Form of—Auditor to Adopt—It shall be the duty of the Auditor of Public Accounts to adopt a form of bookkeeping and furnish the books not later than March 1, to be paid for as other county records, for the several sheriffs and collectors, and all sheriffs and collectors are required to keep their books and accounts in the manner and form required by the Auditor of Public Accounts, and on intentional failure of any sheriff or collector to keep his books in an intelligible manner and according to the form prescribed by the Auditor of Public Accounts and to make the entries as required by law, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than fifty nor more than two hundred dollars, and on failure of the Auditor of Public Accounts to furnish the sheriff and collectors with such form of bookkeeping and books, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than one hundred dollars nor more than five hundred dollars. The failure to furnish any sheriff or collector such form of bookkeeping and books shall be deemed a separate offense. The Franklin Circuit Court shall have

jurisdiction to try each offense against the Auditor of Public Accounts for violations of this section.

§ 12. Office to be Kept Open—Taxes, Dues, Retained Out of Claims—Witness Fees—The sheriff shall keep his office open for the collection of moneys which he may be entitled to receive, at all reasonable times, except Sundays and legal holidays; and when any money is paid him, he shall immediately enter the same upon his record books and give to the person paying it a receipt therefor, specifying therein the amount and on what account the same was paid, and when paying any money he shall take a similar receipt. He shall retain the amount of tax and other public dues against any person or corporation out of any claim allowed by the Commonwealth or the fiscal court to such person, except claims allowed for attendance as a witness, notwithstanding any assignment of the same.

§ 13. Deputy Sheriffs — Appointment — Bond — The sheriff or collector may, with the approval of the county court, appoint one or more deputies, and take bond to himself for the faithful discharge of the duties of such deputies; but in all cases the sheriff shall be liable on his bond or bonds for any misconduct or fault of such deputies; any deputy may be removed at any time by the sheriff.

§ 14. Justices' Districts Visited to Receive Taxes—Notice—The sheriff or one of his deputies shall, at least once every ninety days, between March first and November first, visit each justice's district of the county for the purpose of receiving taxes; and he shall give notice of the time and place where he will receive taxes in such districts by written or printed notices posted at three or more public places therein, for not less than ten days before the day designated for that purpose.

§ 15. Taxes When Due—Reports and Payments to Auditor—Penalty—The sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, June, August, September, October, November, Decem-

ber, under oath, report to the Auditor of Public Accounts the amount of all taxes he has collected and pay the same immediately, and shall account for and pay all taxes which he has collected for the State into the State Treasury by the first day of December in each year and upon his failing to do so he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin county at the next term of said court after such failure to report, the name of such sheriff or collector so failing to report. The sheriff or collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the 31st day of December in each year. The Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this act.

§ 16. Sheriff Not to be Interested in Public Works nor Buy Claims—Penalty—No sheriff or collector shall be concerned or interested, directly or indirectly, in the construction of any public works or improvements made or undertaken, in which the county or State shall be directly or indirectly interested, or on which he may be required to pay money, nor speculate in any claim against the State or county. Any sheriff or collector violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined a sum not less than five hundred and not more than two thousand dollars for each offense.

§ 17. Misapplication of Funds Collected—Penalty—It shall be unlawful for any sheriff or collector to apply or use any money received by him for any other purpose than that for which such money shall have been paid or collected;

every such application shall be deemed a misdemeanor, and, on conviction, the sheriff or collector shall be fined not less than one hundred nor more than five hundred dollars for each offense.

§ 18. Sheriffs' Settlements—Exceptions to—Appeal From Judgment on—Each sheriff or collector shall, when required by the fiscal court, settle his accounts of county or district taxes, and at the regular October term of each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorneys to settle the accounts of the sheriff or collector of money due the county or district. The report of such settlement shall be filed in the county clerk's office, and be subject to exceptions by the sheriff or collector or county attorney, who shall represent the Commonwealth and county, and the county court shall try and determine such exceptions. An appeal may be prosecuted by either party from the judgment of the county court on such settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney shall not be required to give an appeal bond, or actions may be instituted in any court of competent jurisdiction to correct the settlement; and the settlement, when approved, shall be recorded in the county clerk's office.

§ 19. Reports to County of Taxes Collected—The sheriff or collector of the State and county revenue of each county of this Commonwealth shall, on the first day of May, June, July, August, September, October, November and December in each year, report under oath to the county court of his county the amount of State and county taxes he has collected, together with all fines, forfeitures or money, or any other account that shall have been received or collected by him showing in said report the amount collected for and belonging to each particular fund, for which such revenue or money may be intended, and the disposition of such revenue or money collected by him. Said report shall be filed and recorded in a separate book furnished by the county clerk for

that purpose, which shall be open for inspection in the office of the county clerk. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined not less than one hundred nor more than five hundred dollars for each offense.

§ 20. Taxes When Due—Interest and Penalty—All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of June after the assessment, and all taxpayers whose taxes are not paid on the first day of December after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent per annum from the first day of December after they are due until paid; and any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes, shall pay a penalty of six per centum additional on the taxes due and unpaid. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

§ 21. Sheriff to Record Payments in Assessment Roll—The sheriff must mark the date of payment of any tax in the assessment book opposite the name of the person paying.

§ 22. Tax Receipt—The sheriff must give a receipt to the person paying any tax, specifying the property against which the tax was assessed, the amount of the assessment and the amount paid.

§ 23. Form of Tax Receipt—The Auditor of Public Accounts shall prescribe the form of and furnish the receipts to be given to taxpayers by the sheriff and they shall be uniform each year throughout the State, and distinguished from year to year by difference in color or design, and shall plainly show the year for which the taxes have been paid and the county in which paid. Provided, that the tax receipts to be used by the sheriff for the payment of local taxes only on property assessed by the State Tax Commission, the

State tax on which is to be paid directly to the State, shall be different in form and color from those for the taxes on other property on which both State and local taxes are collected.

All tax receipts and the stubs thereof shall be numbered consecutively, and charged to the sheriff by said numbers and he shall return to the Auditor of Public Accounts and be credited therewith, all tax receipts not issued at the time that he makes his final settlement with the Auditor. He shall, however, retain the stubs thereto as part of his office records.

§ 24. Payment of Taxes on Single Parcels of Real Estate—The taxes on any particular lot, piece or parcel of land contained in any assessment may be paid separately from the whole assessment, if such lot, piece or parcel has a separate valuation in the assessment roll. The sheriff shall make an entry on the margin of the assessment book, showing what certain property has been released by the payment of the taxes as herein provided, together with the amount of such taxes specifically set forth.

Joint Owner Paying Tax Has Lien—When land owned by two or more persons shall be assessed conjointly, and any one or more of them shall not pay their proportion of the tax, any such owner paying the whole tax, or who shall redeem the whole tract after it has been sold for delinquent taxes, shall have a lien on the delinquent's portion for the tax justly owing by such delinquent, and may sue for and recover the same.

Court Authorized to Apportion Assessment—When two or more persons own land which has been assessed as one tract, any one, or more of them, after partition of the same, and upon ten days' notice to the other owners, may make application to the county court of said county for an apportionment of the assessment; and the said court is hereby authorized to apportion the assessment among the owners according to the value of their respective interests, as shown by the proof introduced by them. If the delinquent taxes are

due on said land, any one or more of said owners may have his portion released therefrom by paying to the officers to whom such delinquent taxes are payable his pro rata share thereof, as ascertained by the judgment of apportionment, and said judgment shall be final, unless an appeal therefrom to the circuit court, which is hereby given jurisdiction, be prosecuted within sixty days from the rendition of the same.

§ 25. Assessment Roll Sole Warrant for Collection of Taxes—The assessment roll shall constitute the sole warrant for collecting taxes and shall be a sufficient warrant for enforced collection. Any sheriff or other person receiving any money tendered in payment of taxes, except as hereinafter in this act provided, when such taxes are not charged on the assessment roll, shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary for one year. The money so collected shall be recovered under his bond. Provided, however, that whenever, in the performance of his duties, the sheriff shall discover any property subject to taxation that has been omitted from the assessment roll, it shall be his duty to immediately report the property with a description thereof to the county clerk. The county clerk shall at once apply to the county court for an order to assess the property, and on the issuance of the order shall immediately enter the property in the roll with a valuation and assessment against it, to be approved by the court, as nearly as may be in conformity to the value and assessment of other similar property, and shall extend the taxes against it. The sheriff shall then collect the taxes. If the person whose property has been assessed in this manner shall be dissatisfied with the valuation placed thereon by the clerk and by the county court, he shall pay the taxes to the sheriff under protest, and having done so may appeal to the State Tax Commission, and the Commission shall fix the value. Pending decision of the appeal, the sheriff shall hold the taxes paid under protest and shall adjust the amount to conform to the decision. If the omitted property which the owner failed to

list in the statement which taxpayers are required to file with the county tax commissioner the making of an appeal either to the county court or to the State Tax Commission shall not work any postponement of the application of delinquency penalties. But in all other cases no penalties for delinquency shall apply until ten days after the appeal shall have been decided.

§ 26. Sheriff's Commissions—The sheriffs or tax collectors shall be allowed by the Auditor of Public Accounts the following commissions upon the sums collected or accounted for or paid into the State Treasury in each year: Upon the first five thousand ($5,000) dollars, ten per centum, and upon the residue four per centum. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above commissions, on the Commonwealth's share of the taxes. He shall be allowed by the treasurer of the county ten per centum upon the first five thousand ($5,000) dollars of the county revenue collected and four per centum upon the residue. Provided, that, in no case shall the aggregate annual compensation of the sheriff for all official services exceed five thousand ($5,000) dollars, independent of the compensation of legally authorized deputies and assistants. Provided, further, that in case any city arranges for the collection of city taxes by the sheriff on the basis of the county assessment rolls, the compensation therefor shall not exceed two per centum of the taxes so collected.

Before the county treasurer, any city treasurer or auditor shall allow the commissions provided for in this section, he shall certify to the Auditor of Public Accounts the amounts to be allowed, at the rates provided for in this section, and the Auditor of Public Accounts shall certify back to the county or city treasurers the amounts which shall be paid. In case the fees or commissions allowed under this section, at the rates herein provided for, exceed five thousand dollars ($5,000), the amount to be allowed by the counties, the

amount to be allowed by the cities, and the amount to be allowed by the Commonwealth, in the aggregate of five thousand dollars ($5,000), shall be divided in proportion as the commissions on the county taxes, State taxes and the city taxes bear to the total commissions so computed.

It shall be the duty of the Auditor of Public Accounts to ascertain and determine that the aggregate commission shall not exceed five thousand dollars ($5,000).

§ 27. Tax to Operate as Judgment—For a period of five years every tax has the effect of a judgment against the person, and every lien created by this Act has the force and effect of an execution duly levied against all the property of the delinquent; the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold for the payment thereof.

§ 28. Tax on Personal Property a Lien on Real Estate—Every tax due and assessed upon personal property is a lien for a period of five years upon the real property of the owner, situated in the same county. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements on land assessed to some person other than the owner to the land is a lien upon both the land and the improvements, which liens attach as of the first day of September in each year. Provided, that such liens for taxes on personalty and improvements shall not prejudice the rights of purchasers of such real estate acquired before proceedings shall have been instituted or steps taken to subject the same to such lien.

Whenever the owner of land shall, in order to protect his title, pay the taxes upon any improvements situated thereon but assessed to some other person than the owner of the land, he shall have a lien upon said improvements equal to the amount of the taxes paid.

§ 29. Tax Collected From Persons Removing or Concealing Property—It shall be the duty of the sheriff or collector who at any time has reasonable grounds to believe

and does believe that any person from whom a tax is due is about to remove his property from the State, county or taxing district or to conceal the same, to immediately collect said taxes as hereinafter provided for the collection of taxes, costs and penalties of delinquent taxpayers.

§ 30. Secured Taxes Not to Be Collected by Summary Process—Taxes which, in the opinion of the sheriff, are a lien on real estate of an amount sufficient to secure the full payment thereof with penalties and costs if the tax become delinquent shall not be collected by distraint and sale nor by attachment as provided for in subdivision three of this article. But all other taxes shall, if payment be refused under Section twenty-nine immediately above, or if they become delinquent, be collected by distraint and sale or by attachment. As soon as any taxpayer becomes delinquent, the sheriff or the collector of the county where the property is liable shall distrain sufficient personal property of such delinquent, if found in the county, to satisfy all taxes, intreest and penalties due. If a sufficient amount of personal property be not found, then he will levy on a sufficient quantity of the delinquent's land for that purpose. But if no land be found belonging to the delinquent, the sheriff shall levy on any real estate owned by the delinquent at the time of assessment for the taxes or a sufficient amount to satisfy the taxes, cost, and penalties due. If the sheriff makes illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved. A sheriff or tax collector shall sell for cash any property belonging to the delinquent taxpayer so levied upon or as much thereof as will pay the taxes due, penalties, interest and cost and his commission, in the same manner that property is sold under execution, except that the land shall not be valued, and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the courthouse door, and by publication once a week for four consecutive weeks prior to the day of sale in a newspaper of general circulation, if there be one in the county;

if not, then by printed hand bills posted for fifteen days before the sale at the courthouse door and in three or more conspicuous places in the taxing district; and he shall, not less than fifteen days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of sale and in order to cover the cost of such advertisement and notification, the sheriff or collector shall have one dollar for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the State, county or taxing district.

SUBDIVISION II.

COLLECTION OF TAXES BY ATTACHMENT.

§ 1. Collection of Taxes—Sheriff to Give Notice—If the sheriff, his deputy or other persons having revenue, county levy or other taxes of any character, or other public dues, not secured by real estate, in his hands for collection, believes another person to be indebted in money or property to the person owing taxes or public dues, and believes he cannot otherwise collect the tax, he shall deliver, or cause to be delivered, to the person owing the taxes or public dues, and to the person owing him, anywhere he may be found, written notice in substance as follows: "Mr. A. B., the taxes due by C. D. amount to the sum of $.....cents. To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the county court of.....county, on the first day of its term, to show cause why you should not be adjudged to pay said taxes. This.....day of....., nineteen..... ....., Sheriff."

§ 2. Effect of Notice—Trial Judgment—Sale of Property—This notice shall be signed by the sheriff, his deputy or by the collector, and shall operate to enjoin the person

named in it from paying the amount mentioned in the notice, money, property, notes, accounts and other things of value, owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the county court. On the hearing by the county court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of account and indebtedness, whether of money, property or labor, owing at the date of the notice, or incurred thereafter. The court shall direct the said debtor to pay or deliver to the sheriff or collector any money, property or other thing then, or at the time notice was served, due said delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid or discharged; and, if it be property, the sheriff shall sell the same, after advertising by handbill posted at the court-house door for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes.

§ 3. Delinquent Not Released Until Tax Paid—The person owing taxes shall not be discharged from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid.

§ 4. Notice May Include All Persons Indebted—All persons indebted to the person owing taxes may be included in the same notice, though residing out of the county of the sheriff or collector.

§ 5. Docket—How Made Out—Parties—The proceeding shall be docketed in the name of the Commonwealth and, if necessary, to the interest of the Commonwealth, the court may cause other parties to be brought in before it, and be made party to the proceedings.

§ 6. Judgment—Defenses—The court may hear evidence, and, in its judgment, shall provide for the payment of the State revenue, the county levy due, and, if there be other taxes due the court shall direct the payment thereof:

Provided, that the delinquent shall have the right to defend by showing, first, that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

Subdivision III.

Collection of Taxes Assessed on the State Assessment Roll

§ 1. Certain Taxes to be Paid to State Treasurer—All taxes assessed on the State assessment roll shall be paid directly to the State Treasurer.

§ 2. Notice to State Taxpayers—The Auditor of Public Accounts shall each year on or before January first send to each company or person, whose property is assessed on the State assessment roll, an order setting forth the amount of the assessment and the amount of the taxes due and payable and directing the taxpayer to pay the amount to the State Treasurer.

§ 3. State Treasurer to Receipt for Taxes—The State Treasurer upon receipt of any taxes shall send the taxpayer a receipt therefor, and shall send the Auditor of Public Accounts each day a statement showing the amounts paid and by whom, and the Auditor shall mark them paid on the State assessment roll with the date of payment.

§ 4. State Taxes Due When—All of such taxes shall be due and payable at the same time as other taxes and shall become delinquent on the same date as other taxes, and the same penalties shall attach as in the case of other taxes.

§ 5. Injunction Not to Issue Against State—No injunction shall ever issue in any suit, action or proceeding in any court against the Commonwealth or against any officer thereof to prevent or enjoin the collection of any taxes levied under the provisions of this act; but after payment of the taxes, action may be maintained to recover any tax illegally collected in the manner provided in the next section hereto.

§ 6. Companies May Sue to Recover—How, When—Any company or person claiming to be injured or aggrieved by the assessment of property may, after having duly presented its or his objections before the Commission or board of supervisors as provided for in this act, but not if he has failed or neglected so to do, bring an action for the recovery of any taxes, penalties or costs paid on such assessment. But no such action shall be brought later than six months after the day on which the taxes were due, nor unless such company or person shall have paid the taxes and shall have, on paying the taxes, filed with the Auditor of Public Accounts or sheriff a written protest, stating whether the whole assessment is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as voluntary. Whenever under the provisions of this section an action is commenced against the State Treasurer, it shall be instituted in the Franklin Circuit Court. The Attorney General shall defend the action. The provisions of the code as to pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes.

Article VII.

Subdivision I.

Collection of Delinquent Taxes on the State Assessment Roll.

§ 1. Taxes When Delinquent—At the close of business on December first in each year, all taxes appearing unpaid on the state assessment roll are delinquent. Thereupon the same penalties shall attach as attach in the case of other taxes.

The taxes levied under the provisions of this act shall constitute a lien upon the property and franchises of every

kind and nature belonging to the companies subject to taxation on the state assessment roll, and that lien shall attach on the first day of September of each year. Every tax herein provided for has the effect of a judgment against the company, and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until all such taxes, penalties, and costs are paid, or the property sold for the payment thereof.

§ 2. Proclamation of Delinquency—The Auditor of Public Accounts shall prepare a list of delinquent taxpayers and shall certify the same to the Governor, who shall issue his proclamation, declaring these taxpayers delinquent. The proclamation shall be published by the Secretary of State once each week for three successive weeks in a daily newspaper of general circulation, published at the State Capital, and in one paper of general circulation published in Louisville, and one of general circulation published in Lexington. The proclamation shall recite the fact that if these taxes are not paid on or before February first next thereafter action will be commenced to recover the taxes, and shall recite the additional charges and penalties which will be incurred. A charge of fifty cents for each assessment shall be added to the amount due to cover cost of publishing the delinquent list.

§ 3. Attorney General to File Suits—As soon as possible after February first in each year, the Attorney General shall file suits in the Circuit Court of Franklin County against all companies then appearing delinquent, as defendants to recover the amount due the State. Suit shall be brought for the amount of the taxes, penalties, and costs due with interest at six per cent per annum on the entire amount from the first day of January last preceding, together with the following costs: five dollars for each suit brought, together with the actual cost of action to be allowed by the court. The provisions of the code relating to plead-

ings, proofs, trials, and appeals are hereby made applicable to the proceedings herein provided for, and writ of attachments may be issued.

Receivers May Be Appointed—In the case of public utility companies, the seizure and sale of whose property might result in damage or inconvenience to the public by stoppage of the service, receivers may be appointed by the court to collect the income of such companies until the amount of the judgment be recovered. The State assessment roll shall be prima facie evidence of the amount of the taxes due, and of the validity of the assessment. Invalidity of the assessment cannot be pleaded as a defense in such actions, inasmuch as another remedy has been hereinbefore in this act provided for persons claiming to be aggrieved or injured by the assessments.

Article VIII.

Bonds of Officers—Penalties Thereunder.

§ 1. Bonds of Officers—Bind to What—The bonds of all officers mentioned in this Act shall bind them and their sureties for the faithful performance of their duties and for all moneys which shall come to their hands by virtue or color of their offices, and the strict accounting of all moneys due by them to the State, or other taxing districts, and for the correctness of all amounts claimed and collected by them as commissions or compensation for their services.

§ 2. Penalty—How Enforced—Whenever any penalty is provided for in this Act it may, unless otherwise specially stated, be enforced either by indictment in the circuit court of the county or by action in any court having competent jurisdiction.

§ 3. Penalty When Not Prescribed—When no other penalty is mentioned for a failure to do an act or the doing of an act forbidden or required by this Act, the penalty in all such cases shall not be less than ten nor more than five hundred dollars.

§ 4. Officer Not to Retain Fee—No officer named in this Act shall retain any part of the compensation allowed his deputy or deputies longer than thirty days. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than five hundred dollars for each offense.

§ 5. Penalties for Failure of Duty by County Tax Commissioner—The county tax commissioner shall, for any failure of his duty under the law, where no other penalty is provided, be fined in any sum not less than twenty-five dollars nor more than fifty dollars.

§ 6. Remedy for Non-performance of Duty by Officer—Anyone injured by failure in or the improper performance of the duties of the county tax commissioner or sheriff, shall have a remedy on his official bond, and the criterion of his recovery shall be the value of the property lost by reason of such failure. No such action shall be maintained unless such person shall allege and prove that he made diligent efforts to have such property assessed, and offered to pay the taxes thereon, and on all other real property of his liable to assessment.

§ 7. Clerk Failing to Pay Redemption Money—Penalty—If any clerk shall fail to pay the redemption money to the person entitled thereto upon demand, he and his sureties shall be liable for the same and twenty per cent interest thereon annually from the time he received it until paid.

§ 8. Selling Twice—Penalty—If any sheriff or collector shall knowingly sell the same tract or parcel of land, or any personal property, more than once for the same tax, he shall be fined one hundred dollars, and be liable upon his official bond for all damages which may be sustained by any party aggrieved.

§ 9. County Attorney to Prosecute—The county attorney shall prosecute under the preceding sections, and he shall receive for his services twenty-five per cent of the fine recovered.

ARTICLE IX.

PROVIDING THAT CERTAIN SECURITIES, BONDS AND STOCKS SHALL BE STAMPED BY THE ASSESSOR.

§ 1. No judgment shall be rendered in any court in favor of any taxpayer of the State of Kentucky in an action to recover any sum on any note, bond or mortgage unless such note, bond or mortgage has endorsed thereon the words: "Assessed by the Assessor," over his signature showing the year when said endorsement was made. It shall be a complete defense to any action, seeking the recovery of property of any kind or character, that the taxes, state, local and municipal, have not been paid thereon, for and during the time the party claiming said property has been the owner thereof. Provided, however, that the provisions of this article shall not apply to the mortgages, stocks, bonds or notes of any bank, trust company or corporation that pays a tax to the Commonwealth of Kentucky, in its taxing district, on all its property located in Kentucky.

ARTICLE X.

§ 1. The following sections of Carroll's Statutes of Kentucky, Edition of 1909, are hereby repealed: Section 4019 to and including 4054; Sections 4056 to and including 4076a; Sections 4077 to and including 4092; Sections 4095 to and including 4114, Sections 4115 to and including 4168; Sections 4239 to and including 4241; Sections 4268 to and including 4281. The following Acts are also repealed: (1) An Act entitled: "An Act amending an Act relative to Revenue and Taxation; approved March 15, 1906," approved March 19, 1912, same being Chapter 131 Acts of 1912: "An Act entitled: 'An Act to amend Section 4143 of the Kentucky Statutes,'" approved March 12, 1912, and being Chapter 40, Acts of 1912.

§ 2. Nothing in this Act shall be construed as invalidating any tax levied, or which should have been levied or

any assessment of property for purposes of taxation made or which should have been made prior to the passage of this Act nor as suspending the collection or in any way changing the mode of or the procedure in the collection of any such tax or of any tax wihch became a lien on any property prior to the passage of this Act. Insofar as any such taxes, assessed as of the first of September, 1913, and all taxes to be collected for the fiscal year ending June 30, 1914, shall be levied, assessed and collected under the laws in force prior to the passage of this Act. All taxes to be levied and assessments, collections or any tax lien, are concerned, all laws relative thereto in force prior to the passage of this Act, shall be deemed of full force and effect until said taxes to be paid thereunder shall have been paid, or the property subject thereto shall have been sold for the non-payment of said taxes. Nor shall anything in this Act be construed as invalidating or suspending any provision of the law in force prior to the passage of this Act providing for the retrospective assessment of any property for purposes of taxation which should have been assessed prior to the passage of this Act. Nor shall the provisions of this Act be construed as applying to any suit or action now pending in any court and affecting the validity of any tax. Should the assessment or levy of any tax levied under the laws in force prior to the passage of this Act, be held to be invalid, on account of any failure of any assessing or taxing official to comply with the requirements of the statutes, said property shall be assessed by the proper officers under the provisions of the law as they existed prior to the passage of this Act.

§ 3. Because of the gross inequalities in the equalization of taxes in Kentucky and the deficit in the State Treasury, an emergency is declared to exist and this act shall take effect and be in full force after its passage and approval by the Governor.

Mr. Saufley offered the following amendment to said substitute offered by Mr. Reed, viz.:

Amend substitute to the substitute for House Bill 45 by striking out Section 3 of Article 10 and substituting the following:

§ 3. The provisions of this Act and no section thereof shall become effective until the same shall have been submitted to a vote of the people at the next regular November election and ratified by a majority of the votes cast on the question as to whether or not said Act shall become effective. In order that the vote may be taken on the question, the Secretary of State shall make publication in the same manner that he is required to make advertisment of the fact that a Constitutional Amendment is to be voted upon by the people of the State and he will cause to be printed the question in appropriate form upon the ballot so that each voter may cast his vote for or against the act. The returns shall be canvassed and the result announced in the same manner that the result is determined upon a vote on a Constitutional Amendment.

Mr. Reed moved the previous question.

Messrs. Davis and Klette demanding the yeas and nays on said motion for the previous question, were as follows:

Those who voted in the affirmative were—

J. M. Billeter	Thomas J. Evans	John A. Judy
Henry C. Blades	E. V. Hall	Griffin Kelly
Joseph Boitnott	Elwood Hamilton	John H. Klette
J. G. Coke, Jr.	W. L. Hampton	William J. Kuh
James R. Dorman	V. D. Hammond	Dr.J.N.M'Cormack
William Duffy	R.B.Hutchcraft,Jr.	John McDyer

W. T. McNally	John E. Newman	S. H. Rogers
John G. Miller, Jr.	S. Mazyck O'Brien	W. E. Rogers
T. T. Mobley	A. W. Palmer	Adam Spahn
J. R. Mount	William A. Perry	James T. Webb
Harry J. Meyers	Richard Radcliffe	W. M. Webb
Zach. L. Myers	Stanley F. Reed	—35

Those who voted in the negative were—

Harry Avery	Frank C. Greene	John A. Polin
Wallace Bailey	C. M. Gum	Dr. T. J. Poteet
Jas. W. Barrali	H. H. Harrington	W. A. Price
Elmer L. Brown	J. B. Harvey	J. D. Pumphrey
A. T. Bryson	H. H. Hays	Dr. W. R. Ray
C. W. Burton	W. E. Henninger	B. T. Rountree
Ed. F. Cecil	Dr. S. L. Henry	S. M. Saufley
Benj. L. Cox	D. H. Hillman	A. W. Sharp
George T. Davis	J. J. Huff	W. A. Shawler
John W. Douglas	J. M. Johnson	L. M. Smith
John Drescher	T. R. Jones	Ed. D. Stone
H. C. Duffy	J. C. Lay	W. T. Stott
John C. Duffy	Simon B. Lott	Louis Tieman
Odie Duncan	C. R. Luker	N. C. Tilford
G. P. Durrett	Geo. M. McDowell	N. B. White
M. J. Farris, Jr.	A. J. Oliver	J. D. Wills
W. N. Flippin	Lyman J. Parrigin	M. O. Wilson
John F. Fryer	Lilburn Phelps	Douglas G. Wood
		—54

And so said motion was disagreed to.

Mr. Reed asked the unanimous consent of the House to withdraw the substitute offered by him.

Said request was granted and said substitute was withdrawn.

Mr. Saufley asked the unanimous consent of the House

to withdraw the amendment to the substitute offered by Mr. Reed.

Said request was granted and said amendment was withdrawn.

The question being taken on the adoption of the substitute offered by Mr. Coke, said substitute was disagreed to.

Mr. Hutchcraft offered the following amendment to the substitute offered by the Committee on Revenue and Taxation to H. B. 45:

Insert after Section 3, Art. X:

Should any section or paragraph of this Act be held unconstitutional that shall not affect the validity of any other section or paragraph, it being the intention of the General Assembly to enact each paragraph and section as a separate statute.

Said amendment was agreed to.

Mr. Douglas moved that the vote by which Article IX was stricken out of the substitute offered by the Committee on Revenue and Taxation, be reconsidered.

Said motion was disagreed to.

Mr. J. C. Duffy offered the following amendment to said substitute:

Art. 3, Subdivision 1, Section 2. "Provided, however, notes or bonds owned in good faith, by non-resident persons, or corporations, and having no taxable situs in this State, and notes or bonds held by banks or trust companies, the value of

which is included in the value of their shares, and secured by mortgage or lien on land in this State, shall not be a taxable interest in such land."

Said amendment was agreed to.

Mr. J. C. Duffy offered the following amendment to said substitute:

Amend Section 1, Article IX, by adding the following:

"No suit shall be maintained in any court of this State on any note or other security if the said note has not been previously assessed for the taxes, if any assessment period has been passed heretofore without the said note having been assessed, and if any judgment shall hereafter be satisfied for the collection of any note on which the taxes have not been paid the owner of the note shall produce to the court or the clerk thereof satisfactory evidence that said note has been assessed, and if the owner thereof fail to do so the taxes due thereon shall be retained out of the money so recovered by the court or the clerk thereof, and pay same over to the collecting officer of the State, county, city, town or taxing district to which same is due and payable."

Said amendment was agreed to.

Mr. Perry offered the following amendment to said substitute:

Amend by adding the following for Article IX:

"Any person, firm or corporation who is the owner or holder of any notes, accounts, bonds, mortgages or securities which have never been assessed for taxation, who shall voluntarily list same to the assessor for assessment as of the

first day of September of the year in which this law goes into effect, shall not be liable for the payment of any back taxes thereon to the State, county, municipality or taxing district."

Said amendment was adopted.

The said substitute offered by the Committee on Revenue and Taxation, to H. B. 45, as amended, was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, as amended by way of substitute therefor, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Thomas J. Evans	W. T. McNally
Harry Avery	Ed. Frost	John G. Miller, Jr.
Jas. W. Barrali	John F. Fryer	J. R. Mount
Geo. B. Barrett	Frank C. Greene	Harry J. Meyers
Henry C. Blades	E. V. Hall	Zach. L. Myers
Joseph Boitnott	Elwood Hamilton	John E. Newman
Elmer L. Brown	V. D. Hammond	William A. Perry
C. W. Burton	D. H. Hillman	John A. Polin
Glover H. Cary	R. B. Hutchcraft Jr.	Dr. T. J. Poteet
J. G. Coke, Jr.	T. R. Jones	W. A. Price
James R. Dorman	John H. Klette	J. D. Pumphrey
John W. Douglas	William J. Kuh	Stanley F. Reed
John Drescher	Dr. J.N.M'Cormack	W. E. Rogers
John C. Duffy	Geo. M. McDowell	W. A. Shawler
William Duffy	John McDyer	L. M. Smith

Adam Spahn	N. C. Tilford	Roy S. Wilson
W. T. Stott	Matt. S. Walton, Jr.	
Louis Tieman	James T. Webb	—52

Those who voted in the negative were—

Wallace Bailey	J. B. Harvey	Lyman J. Parrigin
J. M. Billeter	H. H. Hays	Lilburn Phelps
A. T. Bryson	W. E. Henninger	Richard Radcliffe
Ed. F. Cecil	Dr. S. L. Henry	Dr. W. R. Ray
Benj. L. Cox	J. J. Huff	S. H. Rogers
George T. Davis	J. M. Johnson	B. T. Rountree
H. C. Duffy	John A. Judy	S. M. Saufley
Odie Duncan	Griffin Kelly	A. W. Sharp
G. P. Durrett	J. C. Lay	Ed. D. Stone
M. J. Farris, Jr.	Simon B. Lott	W. M. Webb
W. N. Flippin	C. R. Luker	N. B. White
Vert C. Fraser	T. T. Mobley	J. D. Wills
C. M. Gum	S. Mazyck O'Brien	M. O. Wilson
W. L. Hampton	A. J. Oliver	Douglas G. Wood
H. H. Harrington	A. W. Palmer	—44

Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill originating in the House, of the following title:

H. B. 206. An Act prohibiting the shipment of liquors for sale in local option territory and prohibiting persons from having in possession for sale, liquors in such territory.

With Senate amendments thereto.

Mr. Hamilton moved that the Senate concur in the said Senate amendments adopted to said H. B. 206.

Said motion was agreed to.

Said amendments were concurred in.

(For said bill see House Journal January 30th.)

The amendments as proposed to said bill by the Senate are as follows, viz.:

Resolved, That House Bill 206 do pass with the following amendments, viz.:

First: Amend Section 1, by striking out of line six and seven the words "township and municipalities" and inserting in lieu thereof the words "district, precinct, town or city."

Second: Amend Section two by inserting after the word "consignor" in the eighth line thereof the words "name and address of the consignee."

Third: Amend Section three, by striking out of line twenty-one and twenty-two the following words "or any consignee or his agent who signs such false entry."

Also, amend said section by inserting after the word "and" and before the word "punish" in line twenty-three the following words: "for each offense shall be."

Also, amend said section by striking the word "five" from line twenty-four and inserting in lieu thereof the word "two."

Fourth: Amend Section 6, by striking the word "section" from the first line thereof, and insering in its place the word "act."

Fifth: Amend Section seven, by inserting after the word "act" and before the word "shall" in the second line thereof the following words: "Except those of Section three."

Amend Section 1, by striking out in line 8 the word "from" after the word "bargain" and inserting in lieu thereof the word "for."

Amend Section 1 by striking out in line 9 the word "ant" and inserting in lieu thereof the word "and."

Amend Section 1, by inserting in lien 9 after the word "liquors" the following words:

"Provided, however, that none of the foregoing provisions of this section shall apply to any druggist authoried by the laws of this State to sell such liquors for medical, chemical, scientific and sacramental purposes, nor wholesale dealers in, or brewers or distillers engaged in the manufacturing of, such liquors in said prohibition territory."

Amend Section 1, by inserting in lien 11 after the word "person" the words "as first above mentioned in this section."

Amend Section 1, by striking out the last words thereof reading as follows:

"Provided, however, that none of the provisions of this section shall apply to any druggist who is authorized by the laws of this State to sell such liquors for medical, chemical, scientific or sacramental purposes."

Amend Section 2, by inserting in line 7 after the word "licensed manufacturer or distiller, engaged in the manufacture of distilled spirits in said prohibition territory" and inserting in lieu thereof the words "wholesale dealer in, or brewer or distiller engaged in the manufacture of, such liquors in said prohibition territory."

The question being taken on the passage of said bill, as amended, it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	H. H. Hays	Dr. T. J. Poteet
Harry Avery	W. E. Henninger	W. A. Price
Wallace Bailey	Dr. S. L. Henry	J. D. Pumphrey
Geo. B. Barrett	D. H. Hillman	Richard Radcliffe
A. T. Bryson	J. J. Huff	Dr. W. R. Ray
C. W. Burton	R.B.Hutchcraft,Jr.	Stanley F. Reed
Glover H. Cary	J. M. Johnson	S. H. Rogers
Ed. F. Cecil	T. R. Jones	W. E. Rogers
Benj. L. Cox	John A. Judy	B. T. Rountree
James R. Dorman	Griffin Kelly	A. W. Sharp
John W. Douglas	J. C. Lay	W. A. Shawler
John Drescher	Simon B. Lott	L. M. Smith
William Duffy	C. R. Luker	Ed. D. Stone
Odie Duncan	Geo. M. McDowell	W. T. Stott
G. P. Durrett	W. T. McNally	Louis Tieman
Thomas J. Evans	John G. Miller, Jr.	N. C. Tilford
M. J. Farris, Jr.	T. T. Mobley	Matt.S. Walton,Jr.
W. N. Flippin	J. R. Mount	James T. Webb
Vert C. Fraser	Harry J. Meyers	W. M. Webb
Ed. Frost	John E. Newman	N. B. White
Frank C. Greene	S. Mazyck O'Brien	J. D. Wills
C. M. Gum	A. W. Palmer	M. O. Wilson
E. V. Hall	Lyman J. Parrigin	Roy S. Wilson
W. L. Hampton	Lilburn Phelps	Douglas G. Wood
H. H. Harrington	William A. Perry	
W. B. Harvey	John A. Polin	—76

Those who voted in the negative were—

H. C. Duffy	John F. Fryer	—2

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill originating in the House, of the following title:

H. B. 27. An Act creating a State Text Book Commission to adopt for use in the common schools of Kentucky a uniform series of text books, regulating the price thereof, defining the powers and duties of said Commission and the method of selection of such text books and their distribution, prescribing penalties for the violation of this Act and repealing Chapter 13 of the Acts of the General Assembly of 1910.

Mr. Reed moved that the Committee on Banks and Banking to which the same had been recommitteed with leave to report at any time, report a bill of the following title:

H. B. 73. An Act to amend and re-enact Section 579 and Section 584, Kentucky Statutes, Carroll's Edition, 1909, so that the banking laws of Kentucky shall conform to the requirements of the Federal Reserve Act.

Said motion was agreed to.

Mr. Reed moved that the rules be suspended; that the House take up for consideration, from the orders of the day, S. B. 84.

Said motion was agreed to.

Mr. Reed moved that the further consideration of H. B. 73 be postponed.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled:

S. B. 84. An Act to amend and re-enact Section 579 and Section 584, Kentucky Statutes, Carroll's Edition, 1909, so that the banking laws of Kentucky shall conform to the requirements of the Federal Reserve Act.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 579, of Subdivision 1, Article 2, Chapter 32, of Kentucky Statutes, Carroll's Edition, be and the same is hereby amended by adding at the end thereof, after the word "article" the following:

"And may subscribe for capital stock in the Federal Reserve Bank of the United States, established by act of Congress, December 23rd, 1913;" so that the whole section, when amended, shall read as follows:

"When the articles are filed and recorded as above provided, it may commence business, and shall thereupon become a body corporate, and to be known by and carry on its business in its corporate name, and as such shall have power to adopt and use a corporate seal; to make contracts, sue and be sued; to appoint, remove and elect officers, define their duties; and require from any of them a bond for the faithful discharge of their duties; to prescribe, by its board of directors, by-laws for the government of the bank not inconsistent with law; to exercise, subject to law, such powers as may be necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange, and other evidences of debt, and purchasing bonds, receiving deposits, and allowing

interest thereon, buying and selling exchange, coin and bullion, and lending money on personal or real security as provided in this article, and may subscribe for capital stock in the Federal Reserve Bank of the United States, established by Act of Congress, December 23, 1913."

§ 2. That Section 584, Subdivision 1, Article 2, Chapter 32, Carroll's Edition, Kentucky Statutes, be and the same is hereby amended by striking out, after the words "at least," the words "fifteen per cnet. of its total deposits" and by inserting therein "twelve per cent. of its total demand deposits, and five per cent. of its total time deposits;" and by striking out after the word "cities," the words, "with a population of over fifty thousand, at least twenty-five per cent. of its total deposits," and by inserting therein, "which are now or may hereafter become Reserve or Central Reserve cities, under Act of Congress of December 23, 1913, acts of the sixty-third Congress, known as Federal Reserve Act, at least fifteen per cent. of its total demand deposits and five per cent. of its total time deposits," and by striking out all of the rest of said section beginning with the words "Provided, however," so that the whole section, when amended, shall read as follows:

"Each bank shall keep on hand at all time at least twelve per cent. of its total demand deposits and five per cent. of its total time deposits, and in cities which are now or may hereafter become Reserve or Central Reserve cities under the Act of Congress of December 23, 1913, acts of the sixty-third Congress, known as the Federal Reserve Act, at least fifteen per cent. of its total demand deposits and five per cent. of its total time deposits, one-third of which reserve shall be in money, and the balance may be in funds, payable on demand, deposited in other banks."

The Committee on Banks and Banking offered the following amendment by way of substitute, to said bill:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any bank or trust company organized under the laws of this Commonwealth may subscribe for and own stock of the Federal Reserve Bank within the Federal reserve district where such bank or trust company is located and may take any steps necessary to become a member of such Federal Reserve Bank.

§ 2. Section forty-seven of an Act entitled "An Act providing for the creation and regulation of private corporations," which became a law on April fifth, eighteen hundred and ninety-three, and which, as heretofore amended, has become and now is Section 584, Kentucky Statutes, Carroll's 1909 Edition, is hereby repealed, and in lieu thereof shall be inserted and is hereby enacted the following section:

"Section 584. Deposits—Amount to be Kept on Hand —Demand and Time Deposits Defined.—Each bank and trust company, organized under the laws of this Commonwealth and authorized by law to receive deposits shall keep on hand, at all times, at least twelve per cent. of its total demand deposits and five per cent. of its total time and savings deposits; and, in cities which are reserve or central reserve cities, under the Act of Congress of December 23, 1913, known as the Federal Reserve Act, at least fifteen per cent. of its total demand deposits and five per cent. of its total time and savings deposits; one-third of which reserve shall be in money and the remainder may be in balances due from other banks and subject to call. Demand deposits, within the meaning of this Section shall comprise all deposits payable within thirty days and time deposits shall comprise all deposits payable after thirty days and all saving accounts and certificates of deposits which are subject to not less than thirty days' notice before payment. Nothing in this section shall be construed as authorizing to receive deposits or do a banking business any

institution not authorized to do so by other provisions of law."

Said amendment, by way of substitute, was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended by way of substitute was passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	H. C. Duffy	W. E. Henninger
Harry Avery	William Duffy	Dr. S. L. Henry
Wallace Bailey	Odie Duncan	D. H. Hillman
Jas. W. Barrall	G. P. Durrett	J. J. Huff
Geo. B. Barrett	M. J. Farris, Jr.	R.B.Hutchcraft,Jr.
J. M. Billeter	W. N. Flippin	J. M. Johnson
Henry C. Blades	Vert C. Fraser	T. R. Jones
Joseph Boitnott	Ed. Frost	John A. Judy
Elmer L. Brown	John F. Fryer	Griffin Kelly
C. W. Burton	C. M. Gum	John H. Klette
Glover H. Cary	E. V. Hall	William J. Kuh
Ed. F. Cecil	Elwood Hamilton	J. C. Lay
J. G. Coke, Jr.	W. L. Hampton	Simon B. Lott
Benj. L. Cox	V. D. Hammond	C. R. Luker
James R. Dorman	H. H. Harrington	Dr.J.N.M'Cormack
John W. Douglas	J. B. Harvey	Geo. M. McDowell
John Drescher	H. H. Hays	W. T. McNally

John G. Miller, Jr.	Dr. T. J. Poteet	Adam Spahn
T. T. Mobley	W. A. Price	Ed. D. Stone
J. R. Mount	J. D. Pumphrey	W. T. Stott
Harry J. Meyers	Richard Radcliffe	Louis Tieman
Zach. L. Myers	Dr. W. R. Ray	N. C. Tilford
John E. Newman	Stanley F. Reed	Matt. S. Walton, Jr.
S. Mazyck O'Brien	S. H. Rogers	James T. Webb
A. J. Oliver	W. E. Rogers	W. M. Webb
A. W. Palmer	B. T. Rountree	N. B. White
Lyman J. Parrigin	S. M. Saufley	Roy S. Wilson
Lilburn Phelps	A. W. Sharp	Douglas G. Wood
William A. Perry	W. A. Shawler	
John A. Polin	L. M. Smith	—88

Resolved, That the tile thereof be as aforesaid.

Mr. Reed moved that the rules be suspended, that the Committee on Immigration and Labor, to which the same had been re-referred, report H. B. 220, and that said bill be placed in the orders of the day.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled:

H. B. 205. An Act prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employe arising out of and in the course of employment, modifying common law and statutory remedies and defenses in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability, and providing methods for payments of compensation thereunder.

The hour of 12:30 having arrived, the House recessed until 2:00 o'clock P. M.

AFTERNOON SESSION

At 2:00 o'clock the House reconvened.

The House took up for consideration, the unfinished business of the morning session, viz.: H. B. 205.

A message was received from the Senate announcing that they had passed bills originating in that body, of the followingtitles:

S. B. 2. An Act to amend Sections 4464, 4464a, 4480, 4482, Article 10, Kentucky Statutes, Carroll's Edition 1909, and repealing Section 4464b thereof, and amending said Article 10, of said Statutes, relating to schools by adding thereto Section 4500b.

To Committee on Education No. 1.

S. B. 25. An Act to repeal Section 950, Kentucky Statutes.

To Committee on Judiciary.

S. B. 76. An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a National Forest Reserve in said State.

To Committee on Federal Relations.

S. B. 179. An Act to amend Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth, and to provide for the appointment of a fire marshal and for assistants to the fire marshal; fixing their powers and duties; also to provide for the payment of the fire mar-

shal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the fire marshal," which was approved March 11, 1912.

To Committee on Insurance, Fire and Marine.

S. B. 217. An Act authorizing the commissioners of the sinking fund of Kentucky to sell and convey the house and ground known as the Governor's Old Mansion, and appropriating money to complete and furnish the Governor's New Mansion.

To the Committee on State Capitol.

Also, that the Senate had passed a bill which originated in the House, of the following title:

H. B. 295. An Act to provide for the uniform accounting and inspecting of the public offices of this Commonwealth.

Mr. Miller moved that H. B. 205 and all substitutes and pending amendments be recommitted to the Committee on Compensation for Industrial Injuries.

The yeas and nays being required on said motion, by Messrs. Reed and Luker, were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Ed. F. Cecil	W. N. Flippin
Wallace Bailey	James R. Dorman	Vert C. Fraser
J. M. Billeter	John Drescher	C. M. Gum
Henry C. Blades	H. C. Duffy	V. D. Hammond
Joseph Boitnott	Odie Duncan	H. H. Hays
A. T. Bryson	Thomas J. Evans	T. R. Jones

Griffin Kelly	J. D. Pumphrey	W. M. Webb
Simon B. Lott	W. E. Rogers	N. B. White
John G. Miller, Jr.	A. W. Sharp	M. O. Wilson
J. R. Mount	W. A. Shawler	Roy S. Wilson
A. J. Oliver	Ed. D. Stone	
John A. Polin	N. C. Tilford	—34

Those who voted in the negative were—

Peter Ampler	J. B. Harvey	A. W. Palmer
Geo. B. Barrett	Dr. S. L. Henry	Lyman J. Parrigin
Elmer L. Brown	D. H. Hillman	Lilburn Phelps
Glover H. Cary	J. J. Huff	William A. Perry
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Dr. T. J. Poteet
Benj. L. Cox	J. M. Johnson	W. A. Price
George T. Davis	John A. Judy	Richard Radcliffe
John W. Douglas	John H. Klette	Dr. W. R. Ray
John C. Duffy	William J. Kuh	Stanley F. Reed
William Duffy	J. C. Lay	S. H. Rogers
G. P. Durrett	C. R. Luker	B. T. Rountree
Ed. Frost	Dr.J.N.M'Cormack	S. M. Saufley
John F. Fryer	Geo. M. McDowell	Adam Spahn
Frank C. Greene	W. T. McNally	W. T. Stott
E. V. Hall	T. T. Mobley	Louis Tieman
Elwood Hamilton	Harry J. Meyers	James T. Webb
W. L. Hampton	John E. Newman	J. D. Wills
H. H. Harrington	S. Mazyck O'Brien	Douglas G. Wood
		—54

And so said motion was disagreed to.

Mr. Douglas moved the previous question.

Said motion was agreed to.

Mr. Harry J. Meyers moved that this House recess until 7:30 P. M.

Said motion was agreed to.

And then the House adjourned.

EVENING SESSION.

At 7:30 the House reconvened.

The House took up for consideration the unfinished business of the afternoon session, viz.: H. B. 205.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

COMPENSATION BY ACTION AT LAW.

MODIFICATION OF DEFENSES.

§ 1. In an action at law against an employer to recover damages for personal injury sustained by an employe in the course of his employment, or for death resulting from personal injuries so sustained, it shall not be a defense:

(a) That the employe was negligent, unless and except it shall appear that such negligence was wilful or caused by intoxication; in which case the burden of proving such wilful negligence or intoxication shall be upon the employer.

(b) That the injury was caused by the negligence of a fellow employe.

(c) That the employe had assumed the risks inherent in or incidental to, or arising out of his employment, or arising from the failure of the employer to provide and maintain safe premises and suitable appliances.

The above grounds of defense are hereby abolished except as provided in Sections two and three of this Act.

§ 2. If the employer elects to become subject to this Act, and the employe does not so elect, the provisions of Section one shall not apply, and the employer may set up such defenses as are available at the time of the passage of this Act.

§ 3. Nothing in this Act shall apply to any employer of household domestic servants or farm laborers, or to any such servant or laborer, and the right of action of any such servant or laborer for injury or of his personal representative for his death, and the defenses of any such employer, shall remain as before the passage of this Act.

§ 4. The above provisions shall apply to any claim for the death of an employe arising under Section six of the Kentucky Statutes (Carroll's Edition, 1909).

ARTICLE II.

ELECTIVE COMPENSATION.

§ 5. When employer and employe shall, by agreement, as hereinafter provided, accept the provisions of this Act, compensation for personal injuries to or for the death of such employe by accident arising out of and in the course of his employment shall be made by the employer without regard to the negligence of the employe, according to the schedule hereinafter provided, in all cases except where the employes are houshold domestice servants or farm laborers. In proceedings to recover compensation under this Act, none of the three defenses mentioned in Section one shall be available to the employer, except the defense that the employe was negligent, where it shall appear that such negligence was wilful or caused by intoxication; in which case the burden of proving such wilful negligence or intoxication shall be upon the employer.

§ 6. Such agreement shall be a surrender by the parties thereto of their rights to any other method, form or amount of compensation or determination thereof than as provided in this Act, and an acceptance of all the provisions of this Act,

and shall bind the employe himself, and for compensation for his death shall bind his personal representatives, his widow and next of kin, as well as the employer, and those conducting his business during bankruptcy or insolvency. But such agreement (whether of employer or employe) shall have no effect with respect to any injury occurring before the agreement was filed as hereinafter provided.

7. Such election and agreement on the part of the employers, above mentioned, shall be made by filing with the Commissioner of Agriculture, Labor and Statistics a written statement to the effect that such employer accepts the provisions of this Act, and that he adopts the schedule provided for the payment of the compensation hereinafter specified. Such statements shall be preserved and indexed alphabetically in a book kept for that purpose, together with date of filing such statements. The filing of such statement shall operate to subject such employer to the provisions of this Act and the acts amendatory thereof for the terms of one year from the date of filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least thirty (30) days prior to the expiration of such first or any succeeding year, file in the office of said Commissioner of Agriculture, Labor and Statistics a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this Act. Such employer so electing, shall keep posted in a conspicuous place or places, where his employes are usually employed, a notice in such form as may be prescribed by said Commissioner of Agriculture, Labor and Statistics to the effect that he accepts and will be bound under the provisions of this Act. Failure to keep said notice posted shall be misdemeanor and punishable by fine of ten ($10.00) dollars. Each day's failure shall be a separate offense.

A certificate of the fact that any employer has filed such statement with date of filing and stating whether or not it

has been withdrawn shall be furnished by said Commissioner of Agriculture, Labor and Statistics at any time to any person, upon the payment of a fee of fifty cents, and such certificate shall be received as prima facie evidence in any action or proceedings.

§ 8. Such election and agreement on the part of the employes, above mentioned, shall be made by the employe filing with the employer a written statement to the effect that such employe accepts the provisions of this Act, and that he adopts the schedule provided for the payment of the compensation hereinafter specified. The filing of such statement shall operate to subject such employe to the provisions of this Act, and all acts amendatory thereof. The employe, at the time of filing such written statement with the employer, shall have the right to demand from the employer a counter-statement or receipt showing that the employer has received from the employe the written statement of election. Any employe so electing to accept the provisions of this Act, may withdraw his election at any time by giving to the employer thirty (30) days' notice in writing prior to any accident.

§ 9. In the case of minor employes between the ages of sixteen and twenty-one years, the written election provided in the above section may be given by such minors, and they are hereby authorized and empowered to contract for such purpose, but any amount due any such minor under the schedule hereinafter mentioned shall only be paid to the guardian or a parent of such minor, unless a judge of a circuit court, having jurisdiction under this Act, shall direct that payments shall be made to such minor. In the case of a minor under sixteen years of age, the written notice of election to accept the benefits of this Act must be given by a parent or guardian of such minor.

§ 10. Following is the schedule of compensation:

(a) For injury producing temporary disability, fifty per centum of the wages received at the time of injury, subject

to a maximum compensation of ten dollars per week, and a minimum of five dollars per week: Provided, that if, at the time of injury, the employe receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks.

(b) For disability total in character and permanent in quality, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: Provided, that if at the time of injury, the employe receives wages of less than five dollars per week, then he shall receive the full amount of wages per week. This compensation shall be paid during the period of such disability, not, however, beyond four hundred weeks.

(c) For disability partial in character, but permanent in quality the compensation shall be based upon the extent of such disability. In cases included by the following schedule, the compensation shall be that named in the schedule, to-wit:

For the loss of a thumb, fifty per centum of daily wages during sixty weeks.

For the loss of a first finger, commonly called index finger, fifty per centum of daily wages during thirty-five weeks.

For the loss of a second finger, fifty per centum of daily wages during thirty weeks.

For the loss of a third finger, fifty per centum of daily wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, fifty per centum of daily wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be for one-half of the periods of time above specified, and compensation

for the loss of one-half of the first phalange shall be for one-fourth of the periods of time above specified.

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: Provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, fifty per centum of daily wages during thirty weeks.

For the loss of one of the toes other than a great toe, fifty per centum of daily wages during ten weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, fifty per centum of daily wages during one hundred and fifty weeks.

For the loss of an arm, fifty per centum of daily wages during two hundred weeks.

For the loss of a foot, fifty per centum of daily wages during one hundred and seventy-five weeks.

For the loss of a leg, fifty per centum of daily wages during one hundred and seventy-five weeks.

For the loss of an eye, fifty per centum of daily wages during one hundred weeks.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of clause (b).

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot.

In all other cases in this class, or where the usefulness of

a member or any physical function, is permanently impaired, the compensation shall bear such relation to the amounts stated in the above schedule as the disabilties bear to those produced by the injuries named in the schedule. Should the employer and employe be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule the amount of compensation shall be settled according to the provisions of section twenty-one hereof.

The amounts specified in this clause are all subject to the same limitations as to maximumu and minimum as are stated in clause (a).

In case of the death of a person from any cause other than the accident, during the period of payments for permanent injury, the remaining payments shall be paid to his or her dependents, according to the provisions of Section thirteen of this act, or, if no dependents, the remaining amount due, but not exceeding one hundred dollars, shall be paid in a lump sum to the proper person for funeral expenses.

§ 13. In case of death compensation shall be computed, but not distributed, on the following basis:

(1) Actual Dependents.

For one dependent, thirty-five per centum of wages.
For two dependents, forty per centum of wages.
For three dependents, forty-five per centum of wages.
For four dependents, fifty per centum of wages.
For five dependents, fifty-five per centum of wages.
For six or more dependents, sixty per centum of wages.

The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or death, namely: husband, wife, parents, step-parents, grand-parents, children, step-children, grand-children, posthumous children, illegitimate children, brothers, sisters, half-brothers, half-sisters. Legally adopted children shall, in every particular, be considered as natural

children: Provided, however, that dependency shall be presumed as to a widow who was living with her husband at the time of his decease, and children under the age of eighteen years; step children and illegitimate children shall be presumed to be dependent when they were part of the decedent's houshold at the time of his death. Every provision of this Act applying to one class shall be equally applicable to the other. Should any dependent of a deceased employe die during the period covered by such weekly payments, or should the widow of a deceased employe remarry during such period, the right of such dependent or of such widow to compensation under this section shall cease.

Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the judge of the circuit court of the county, who shall, when applied to for that purpose, determine, upon the facts being presented to him, the proportion to be paid to or on behalf of each dependent according to the relative dependency. Payment on behalf of infant dependents shall be made to the surviving parent, if any, except that the circuit judge shall have power to order such payment to be made to the infant or his guardian.

(2) No Dependents.

Expenses of last sickness and burial, the cost of burial, however, not to exceed one hundred dollars.

In computing compensation to orphans or other children, only those under eighteen years of age shall be included, and only during the period in which they are under that age, at which time payment on account of such child shall cease: Provided, however, that payments to such physically or mentally deficient children as are for such reason dependent shall continue during the full term of compensation payment.

The compensation in case of death shall be subject to a maximum compensation of ten dollars per week and a mini-

mum of five dollars per week: Provided, that if at the time of injury the employe receives wages of less than five dollars per week, then the compensation shall be the full amount of such wages per week. This compensation shall be paid during three hundred weeks.

In computing or distributing compensation under this schedule alien dependents not residents of the United States shall not be included.

§ 11. No compensation shall be allowed for the first two weeks after injury received, except as provided by Section twelve, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in Section fifteen.

§ 12. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed fifty dollars in value, unless the employe refuses to allow them to be furnished by the employer.

§ 13. Compensation for all classes of injuries shall run consecutively and not concurrently, as follows: First two weeks, medical and hospital services and medicines, as provided in Section twelve. After the first two weeks, compensation during temporary disability. Following both, either or none of the above, compensation consecutively for each permanent injury. Following any or all or none of the above, if death results from the accident, expenses of last sickness and burial. Following which compensation to dependents, if any. In no case shall the total number of weekly payments be more than four hundred.

§ 14. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the employe, or some one on his behalf, or some of the dependents, or some one on their behalf, shall give notice thereof to the employer within fourteen days of the occurrence of the injury, then no compensation shall be due until such notice is given or knowledge

obtained. If the notice is given, or the knowledge obtained within thirty days from the occurrence of the injury, no want, failure, or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect or inaccuracy, and then only to the extent of such prejudice. If the notice is given, or the knowledge obtained within ninety days, and if the employe or other beneficiary, shall show that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact or law, or ability, or to the fraud, misrepresentation or deceit of another person, or to any other reasonable cause or excuse, then compensation may be allowed, unless, and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice. Unless knowledge be obtained or notice given, within ninety days after the occurrence of the injury, no compensation shall be allowed.

§ 15. The notice referred to may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action, or by sending it through the mail to the employer at the last known residence or business place thereof within the State, and shall be substantially in the following form:

To (name of employer):

You are hereby notified that a personal injury was received by (name of employe injured, who was in your employ at (place) while engaged as (nature of employment), on or about the (.....) day of (.....), nineteen hundred and (.....), and that compensation will be claimed therefor.

Signed,

(.....).

but no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employe, by name, received an injury in the course of his employment on or about a specified time, at or near a certain place. Notice

served on the person who was the employe's immediate superior, or at his office, shall be a compliance with this Act.

§ 16. After any injury, the employe, if so requested by his employer, must submit himself for examination at some reasonable time and place within the State, and as often as may be reasonably requested, to a physician or physicians authorized to practice under the laws of this State. If the employe requests, he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the employe to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension.

§ 17. In case of a dispute over, or failure to agree upon, a claim for compensation between employer and employe, or the dependents of the employe, either party may submit his claim, both as to questions of fact, the nature and effect of the injuries, and the amount of compensation therefor according to the schedule herein provided, to the judge of the circuit court of such county as would have jurisdiction in a civil case, or where there is more than one judge of said court, then to either or any of said judges of such court, which judge is hereby authorized to hear and determine such disputes in a summary manner, and his decision as to all questions of fact shall be conclusive and binding.

§ 18. In case of death, payment shall be made to the personal representative for distribution as directed by the judge of the circuit court. If no personal representative has qualified, the said judge shall, by order, direct payment to be made to such person as would be entitled to administration of the estate of such decedent upon like terms as to bond for the proper application of compensation payments as are required of administrators.

§ 19. Procedure in case of dispute shall be as follows:

Either party may file in the circuit court a petition setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the injury in its extent and character, the amount of wages received at the time of injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of the said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. This petition shall be verified by the oath or affirmation of the petitioner. Proceedings on behalf of any infant shall be instituted and prosecuted by a guardian or next friend, and payment, if any, shall be made to such guardian or next friend or to the infant, as the judge may direct, provided that if the judge shall, by order, direct payment to be made such next friend, he shall require bond to be executed by such next friend for the proper application of compensation payments similar to bonds required of guardians.

Said petition shall be filed with the clerk of the circuit court in the county where the employe resides, or where the accident occurred, if filed by such employe, but if filed by the employer, it shall only be filed with the clerk of the circuit court in the county where the employe resides. The clerk shall issue summons thereon which shall require the adverse party to answer in twenty (20) days after service if the court be one of continuous session, otherwise at the first day of the next term which does not commence in ten (10) days after service. The answer of the adverse party shall be filed on or before the day named, unless the court for good cause shown shall grant further time. At any time after the day the answer is due the court shall, on the request of either party, assign the proceedings to a day for trial which shall not be less than twenty (20) days thereafter in the courts of continuous session and, in other courts, at the earliest possible day, but not less than five (5) days thereafter. The answer shall be veri-

fied in like manner as required for a petition. No reply or other pleading shall be necessary. Within thirty (30) days after the final hearing the judge of the circuit court shall file his determination.

At the time fixed for hearing or any adjournment thereof the said judge shall hear such witnesses as may be presented by each party, either orally or by deposition, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the circuit court, and judgment shall be entered thereon in the same manner as in causes tried in the circuit court, and shall contain a statement of facts as determined by said judge. The employer may once every month file receipt of payment, verified by affidavit that the receipts are accurate and true, with the clerk of the court, which shall be entered in satisfaction of the judgment of the extent of such payments. Subsequent proceedings thereon shall only be for the recovery or commutation of moneys thereby determined to be due, provided that nothing herein contained shall be construed as limiting the jurisdiction of the Court of Appeals to review questions of law by appeal. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as are allowed, taxed and collected for like services in the circuit court.

No agreement between the parties for a lesser sum than that which may be determined by the judge of the circuit court to be due, shall operate as a bar to the determination of a controversy upon its merits, or the award of a larger sum, if it shall be determined by the said judge that the amount agreed upon is less than the injured employe or his dependents are properly entitled to receive.

§ 20. The compensation herein provided may be commuted by said circuit court, at its present value when discounted at five per centum simple interest, upon application of either party, with due notice to the other, if it appear that

such commutation will be for the best interest of the employe or the dependents of the deceased employe, or that it will avoid undue expense or undue hardship to either party, or that such employe or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the greater part of his business or assets. In the event the amount due under any commutation is not paid within ten (10) days, then the employe or any beneficiaries under this Act shall have the right to proceed to collect the amount due under such commutation by execution, attachment, garnishment, or any other process now allowed by law for the collection of a debt, and without the execution of any bond required by law to secure such remedy.

In determining whether the commutation asked for will be for the best interest of the employe or the dependents of the deceased employe, or that it will avoid undue expense or undue harship to either party, the judge of the circuit court will constantly bear in mind that it is the intention of this Act that the compensation payments are in lieu of wages, and are to be received by the injured employe or his dependents in the same manner in which wages are ordinarily paid. Therefore, commutation is a departure from the normal method of payment and is to be allowed only when it clearly appears that some unusual circumstances warrant such a departure. Commutation shall not be allowed for the purpose of enabling the injured employe, or the dependents of a deceased employe, to satisfy a debt, or to make payment to physicians, lawyers, or any other persons.

An agreement or award of compensation may be modified at any time by a subsequent agreement, or at any time after one year from the time when the same became operative, it may be reviewed upon the application of either party on the ground that the incapacity of the injured employe has subsequently increased or diminished. In such case the provisions of Section sixteen shall apply.

§ 21. At any time after an agreement fixing compensation or the entry of an award, a sum equal to the future installments of compensation may (where death or the nature of the injury renders the amount of future payments certain) by leave of court, be paid by the employer to any bank or trust company in good standing and authorized to do business in this State and having an office in the county in which the award was entered, and such sum, together with all interest thereon, shall thereafter be held in trust for the employe or the dependents of the employe, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipt of the trustee noted upon the docket of the clerk of the court, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same times as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee, preference shall be given, in the discretion of the court, to the choice of the employe or the dependents of the deceased employe.

In any case where an infant under the age of twenty-one years shall be entitled to receive a distributive share of or compensation by virtue of the provisions of the Act, any duly authorized guardian of such infant shall be authorized and empowered to act for such infant and shall have the same right and authority to compromise any claim arising under this Act as guardians now have by law for the compromise of other claims of their wards.

§ 22. The right of compensation granted by this Act shall have the same preference against the assets of the employer as is now or may hereafter be allowed by law for a claim for unpaid wages for labor. Claims or payments due under this Act shall not be assignabe, and shall be exempt from all claims of creditors and from levy, execution or attachment.

§ 23. No agreement by an employe to waive his rights to compensation under this Act shall be valid.

ARTICLE III. LIEN OF ATTORNEYS.

§ 24. No claim for legal services or disbursements pertaining to any claim made or proceeding brought under the provisions of this Act shall be an enforcible lien against the amount paid as compensation, unless the same be approved in writing by the judge presiding at the trial, or in case of settlement without trial, by the judge of the circuit court of the district in which such issue arose : Provided, that if notice in writing be given the employer of such claim for legal services or disbursements, the same shall be a lien against the amount paid as compensation, subject to determination of the amount of such claim and its approval hereinbefore provided.

§ 25. When any proceedings have been taken under the provisions of Section twenty-one and Section twenty-two of this Act, the judge of the circuit court shall, as a part of his determination and order either for payment or for commutation of payment, settle and determine the amount of compensation to be paid by the injured employe or his dependents, on behalf of whom such proceedings are instituted, to his legal adviser or advisers, and it shall be unlawful for any lawyer, or other person acting in that behalf to ask for, contract for or receive any larger sum than the amount so fixed; and in the order determining weekly payments where no commutation is made, the judge shall also determine the amount to be paid per week from the compensation payment on account of the legal fee thus awarded, and it shall be unlawful for the legal adviser, or other person acting in that behalf, to ask for, contract for or receive a larger sum per week than the allowance thus determined. Violation of the restrictions contained in this clause shall constitute contempt of the court and shall be punished accordingly.

ARTICLE IV. GUARANTY OF PAYMENTS.

§ 26. Every employer subject to this Act shall furnish to the judge of the circuit court, satisfactory proof of his solvency and financial ability to pay directly to injured employes or other beneficiaries the weekly compensation due and the maximum compensation that may become due under any award, and, in the event of failure to furnish such satisfactory proof, such employer shall guaranty his full liability in one of the following ways, viz.:

First. By filing in the proceedings in which said award was rendered a bond, to be approved by the judge, executed by a surety company authorized to do business in this State, guaranteeing the payment of the compensation due and to become due under said award.

Second. By insuring against his full liability in any employers' liability insurance company authorized to take such risks in the State of Kentucky.

Third. By insuring against his full liability in any employers' insurance association organized under the laws of the State of Kentucky or in any mutual insurance association authorized under the laws of the State of Kentucky to assume such risks.

In the event the employer does not furnish satisfactory proof of his ability to pay, as above set forth, or guarantee the payment of the award in one of the three methods above mentioned, within ten (10) days after the entry of any award, or shall refuse at any time for two consecutive weeks, to pay the weekly compensation due under any agreement or award, then the employe or his personal representative or any of the beneficiaries under this Act shall have the right to proceed to collect the full amount due or the maximum amount that may become due under said agreement or award, by execution, attachment, garnishment or any other process now allowed by law for the collection of a debt, and without the execution of any bond required by law to secure such remedy.

The amount so collected shall be paid into court and distributed according to the terms of such agreement or of the court's award.

§ 27. No policy of insurance against liability under this Act shall be made by any employers' liability insurance company or any employers' insurance association or mutual insurance association, unless the same shall cover the entire liability of the employer hereunder, and shall contain an agreement by the insurer that in case the employer shall be or become insolvent or in case an execution upon a judgment for compensation is returned unsatisfied, an employe of such employer or the personal representative of the dependents of a deceased employe who shall be entitled to compensation under this Act, may enforce their claim or claims against the insurer to the extent that the employer could have enforced his claim against such insurer had he paid compensation. No suit shall be maintained for the collection of premiums upon any such policy of insurance, unless such covenant and agreement is contained in said policy. Such covenant and agreement shall be unaffected by any default of the insured in the payment of premiums and shall be construed to be a direct promise to such injured employe, his personal representative and dependents, and shall be enforcible by action brought in his or their names. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this Act, and provisions thereof inconsistent with this Act shall be void. No company or association shall enter into any such contract for insurance unless such insurer shall have been approved by the State Insurance Commissioner, as provided by law.

§ 28. Nothing herein shall effect any existing contract for employers' liability insurance, or affect the organization of any mutual or other insurance company, or any arrangement now existing between employers and employes, provid-

ing for the payment to such employes, their families, dependents or representatives, sick, accident or death benefits in addition to the compensation provided for by this Act; but liability for compensation under this Act shall not be reduced or affected by any insurance of the injured employe, or any contribution or other benefit whatsoever, due or received by the person entitled to such compensation, and the person so entitled shall, irrespective of insurance or other contract, have the right to recover the same directly from the employer, and in addition thereto, the right to enforce in his own name as provided in the preceding section, the liability of any insurer who may, in whole or in part, have insured the liability for such compensation: Provided, however, that payment in whole or in part of such compensation by either the employer, or the insurer, as the case may be, shall, to the extent thereof, be a bar to a recovery against the other, of the amount so paid.

ARTICLE V. GENERAL PROVISIONS.

§ 29. Except as provided in Section three, the term "employer," as used in this Act, shall be construed to be:

(a) The State and each county, city, town, township, incorporated village, school district, municipal corporation, or any board or commission, or any other governing body within this State.

(b) Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations who has any person in service or under contract for hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employe for which compensation under this Act may be claimed, shall, in the manner provided in this Act, have elected to become subject to the provisions of this Act, and who shall not, prior to such accident, have effected a withdrawal of such election in the manner provided in this Act.

§ 30. Except as provided in Section three the term "employe," as used in this Act, shall be construed to mean:

(a) Every person in the service of the State, or of any county, city, town, township, incorporated village, school district, municipal corporation, or any board or commission, or any other governing body within this State, under appointment, or contract of hire, express or implied, oral or written except any official of the State, or of any county, city, town township, incorporated village, school district, or any board or commission, or other governing body therein; and except any employe thereof for whose accidental injury or death arising out of and in the course of his employment compensation or a pension shall be payable to him, his personal representative, beneficiaries or heirs, from any pension or benefit fund to which the State, or any county, city, town, township, incorporated village, school district, municipal corporation, or any board or commission, or other governing body therein contributes in whole or in part: Provided, that one employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic, municipal corporation, or any board or commission, or governing body therein, through its representatives, shall not be considered as an employe of the State, county, city, town, township, incorporated village, school district, municipal corporation, or any board or commission, or other governing body which made the contract.

(b) Every person in the service of another, under any contract of hire, express or implied, oral or written, including aliens, and minors who are legally permitted to work under the laws of the State, but not any person whose employment is but casual, or who is not engaged in the usual course of the trade, business, profession, or occupation of his employer: Provided, that employes shall not be included within the provisions of this Act when excluded by the laws of the United States, relating to liabilities of employers to their employes

for personal injuries where such laws are held to be exclusive.

§ 31. When any payment shall be due under the provisions of this Act, the name of the injured employe, or in case of his death, the names of the persons to whom payment is to be made as his dependents, shall be carried upon the pay roll, and payment shall be made in the same manner and from the same source in which and from which the wages of the injured employe were paid. In the event that any extraordinary payment larger than the weekly rate of compensation shall be due, such payment shall be made from any fund available for the maintenance or incidental expenses of any institution, department, board or governing body under and by which the employe was employed.

§ 32. Where a third person or corporation is liable to the employe or his dependents for an injury or death, the existence of a right of compensation from the employer under this statute shall not operate as a bar to the action of the emploe or his dependents, nor be regarded as establishing a measure of damage therein. However, in event that the employe or his dependents shall recover from the said third person or corporation, a sum equivalent to the obligation of compensation payments for which the employer is liable under this statute, the employer shall be released thereby from the obligation of compensation. If, however, the sum so recovered from the third person or corporation is less than the total of compensation payments, the employer shall be liable only for the difference. The obligation of the employer under this statute to make compensation, shall continue until the payment, if any, by such third person or corporation is made. Such employer shall file with the third person or corporation so liable, at any time prior to payment, a statement of the compensation agreement or award between himself and his employe or the dependents of the employe, and the employer shall thereafter be entitled to receive from such third person or corporation, upon payment of any amount in re-

lease or in judgment by the third person or corporation on account of his or its liability to the injured employe or his dependents, a sum equivalent to the amount of compensation payments which the employer has theretofore paid to the injured employe or his dependents, which payments shall be deducted by the third person or corporation from the sum paid in release or judgment to the injured employe or his dependents.

§ 33. Wherever, in Article II of this Act, the term "wages" is used, it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, and shall not include gratuities received from the employer or others, nor shall it include board, lodging or similar advantages received from the employer, unless the money value of such advantages shall have been fixed by the parties at the time of hiring. Where prior to the accident, the rate of wages is fixed by the output of the employe, his weekly wages shall be taken to be six times his average daily earnings for a working day of ordinary length, excluding overtime. This rate of weekly wages shall be calculated by dividing the total value of the employe's output during the actual number of full working days during the preceding six months, by the number of days the workman was actually employed.

Where the employment has been for less than six months at the time of injury the rate of weekly wages shall be calculated in like manner during the period he has been employed.

All parts of this calculation shall refer to employment by the same employer.

§ 34. In case of personal injuries or death, all claims for compensation on account thereof shall be forever barred unless within one year after the accident the parties shall have agreed upon the compensation payable under this Act,

or unless within one year after the accident one of the parties shall have filed a petition for adjudication of compensation as provided herein.

§ 35. For the purposes of this Act, wilful negligence shall consist of (1) deliberate act or deliberate failure to act; or (2) such conduct as evidences reckless indifference to safety; or (3) intoxication, operating as the proximate cause of the injury.

§ 36. Wherever, in this Act, the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

§ 37. In case for any reason any section or any provision of this Act, shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this Act, except that Article I and II are hereby declared to be inseparable, and if either Article be declared void or inoperative in an essential part, so that the whole of such article must fall, the other article shall fall with it, and not stand alone.

§ 38. Every right of action for negligence, or to recover damages for injuries resulting in death existing before this Act shall take effect, is continued, and nothing in this Act contained shall be construed as affecting any such right of action, nor shall the failure to give the notice provided for in Section fourteen of this Act, be a bar to the maintenance of a suit upon any right of action existing before this Act shall take effect.

§ 39. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

§ 40. This Act shall take effect from and after its passage and approval.

The Committee on Compensation for Industrial Injuries offered the following amendment to said bill, by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

COMPENSATION BY ACTION AT LAW.

MODIFICATION OF DEFENSES.

§ 1. In an action at law against an employer to recover damages for personal injury sustained by an employe in the course of his employment, or for death resulting from personal injuries so sustained, it shall not be a defense:

(a) That the employe was negligent, unless and except it shall appear that such negligence was wilful or caused by intoxication; in which case the burden of proving such wilful negligence or intoxication shall be upon the employer.

(b) That the injury was caused by the negligence of a fellow employe.

(c) That the employe had assumed the risks inherent in or incidental to, or arising out of his employment, or arising from the failure of the employer to provide and maintain safe premises and suitable appliances.

The above grounds of defense are hereby abolished except as provided in Sections two and three of this Act.

§ 2. If the employer elects to become subject to this Act, and the employe does not so elect, the provisions of Section one shall not apply, and the employer may set up such defenses as are available at the time of the passage of this Act.

§ 3. Nothing in this Act shall apply to any employer of household domestic servants or farm laborers, or to any such servant or laborer, and the right of action of any such servant or laborer for injury or of his personal representative for his death, and the defenses of any such employer, shall remain as before the passage of this Act.

§ 4. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such

employer's work, or if such contractor enters into a contract, written or verbal, with a subcontractor to do all or any part of such work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer under this Act for injury caused to an employe of such contractor or subcontractor by any defect in the condition of the ways, works, machinery or plant if the defect arose or had not been discovered and remedied through the negligence of the employer or some one entrusted by him with the duty of seeing that they were in proper condition. This section shall apply only to actions arising under Article 1.

§ 5. The above provisions shall apply to any claim for the death of an employe arising under Section six, of the Kentucky Statutes (Carroll's Edition, 1909).

ARTICLE II.

ELECTIVE COMPENSATION.

§ 6. When an employer and employe shall, by agreement, as hereinafter provided, accept the provisions of this Act, compensation for personal injuries to or for the death of such employe by accident arising out of and in the course of his employment shall be made by the employer without regard to the negligence of the employe or employer according to the schedule hereinafter provided, in all cases except where the employes are houshold domestic servants or farm laborers. In proceedings to recover compensation under this Act, none of the three defenses mentioned in Section one shall be available to the employer, except the defense that the employe was negligent, where it shall appear that such negligence was caused by intoxication; in which case the burden of proving such intoxication shall be upon the employer.

§ 7. Such agreement shall be a surrender by the parties thereto of their rights to any other method, form or amount

of compensation or determination thereof than as provided in this Act, and an acceptance of all the provisions of this Act, and shall bind the employe himself, and for compensation for his death shall bind his personal representatives, his widow and next of kin, as well as the employer, and those conducting his business during bankruptcy or insolvency. But such agreement (whether of employer or employe) shall have no effect with respect to any injury occurring before the agreement was filed as hereinafter provided.

§ 8. Such election and agreement on the part of the employers, above mentioned, shall be made by filing with the Commissioner of Agriculture, Labor and Statistics a written statement to the effect that such employer accepts the provisions of this Act, and that he adopts the schedule provided for the payment of the compensation hereinafter specified. Such statements shall be preserved and indexed alphabetically in a book kept for that purpose, together with date of filing such statements. The filing of such statement shall operate to subject such employer to the provisions of this Act and the Acts amendatory thereof for the term of one year from the date of filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least thirty (30) days prior to the expiration of such first or any succeeding year, file in the office of said Commissioner of Agriculture, Labor and Statistics, a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this Act. Such employer so electing, shall keep posted in a conspicuous place or places, where his employes are usually employed, a notice in such form as may be prescribed by said Commissioner of Agriculture, Labor and Statistics to the effect that he accepts and will be bound under the provisions of this Act. Failure to keep said notice posted shall be a misdemeanor and punishable by fine of ten ($10.00) dollars. Each day's failure shall be a separate offense.

A certificate of the fact that any employer has filed such statement with date of filing and stating whether or not it has been withdrawn shall be furnished by said Commissioner of Agriculture, Labor and Statistics at any time to any person, upon the payment of a fee of fifty cents, and such certificate shall be received as prima facie evidence in any action or proceedings.

§ 9. Such election and agreement on the part of the employes, above mentioned, shall be made by the employe filing with the employer a written statement to the effect that such employe accepts the provisions of this Act, and that he adopts the schedule provided for the payment of the compensation hereinafter specified. The filing of such statement shall operate to subject such employe to the provisions of this Act, and all Acts amendatory thereof. The employe, at the time of filing such written statement with the employer, shall have the right to demand from the employer a counter statement or receipt showing that the employer has received from the employe the written statement of election. Any employe so electing to accept the provisions of this Act, may withdraw his election at any time by giving to the employer thirty (30) days' notice in writing prior to any accident.

§ 10. In the case of minor employes between the ages of sixteen and twenty-one years, the written election provided in the above section may be given by such minors, and they are hereby authorized and empowered to contract for such purpose, but any amount due any such minor under the schedule hereinafter mentioned shall only be paid to the guardian or a parent of such minor, unless a judge of a circuit court, having jurisdiction under this Act, shall direct that payments shall be made to such minor. In the case of a minor under sixteen years of age, the written notice of election to accept the benefits of this Act must be given by a parent or guardian of such minor.

§ 11. Following is the schedule of compensation:

(a) For injury producing temporary disability, sixty per centum of the wages received at the time of injury, subject to a maximum compensation of twelve dollars per week, and a minimum of five dollars per week: Provided, that if, at the time of injury, the employe receive wages of less than five dollars per week, then he shall receive the full amount of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks.

(b) For disability total in character and permanent in quality, sixty per centum of the wages received at the time of injury, subject to a maximum compensation of twelve dollars per week and a minimum of five dollars per week: Provided, that if, at the time of injury, the employe receive the full amount of wages per week. This compensation shall be paid during the period of such disability, not, however, beyond four hundred weeks.

(c) For disability partial in character, but permanent in quality the compensation shall be based upon the extent of such disability. In cases included by the following schedule, the compensation shall be that named in the schedule, to-wit:

For the loss of a thumb, sixty per centum of daily wages during sixty weeks.

For the loss of a first finger, commonly called index finger, sixty per centum of daily wages during thirty-five weeks.

For the loss of a second finger, sixty per centum of daily wages during thirty weeks.

For the loss of a third finger, sixty per centum of daily wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, sixty per centum of daily wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half

of such thumb, or finger, and compensation shall be for one-half of the periods of time above specified, and compensation for the loss of one-half of the first phalange shall be for one-fourth of the periods of time above specified. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: Provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, sixty per centum of daily wages during thirty weeks.

For the loss of one of the toes other than a great toe, sixty per centum of daily wages during ten weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, sixty per centum of daily wages during one hundred and fifty weeks.

For the loss of an arm, sixty per centum of daily wages during two hundred weeks.

For the loss of a foot, sixty per centum of daily wages during one hundred and twenty-five weeks.

For the loss of a leg, sixty per centum of daily wages during one hundred and seventy-five weeks.

For the loss of an eye, sixty per centum of daily wages during one hundred weeks.

For the loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of clause (b).

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot.

In all other cases in this class, or where the usefulness of a member or any physical function, is permanently impaired, the compensation shall bear such relation to the amounts stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. Should the employer and employe be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be settled according to the provisions of Section twenty-one hereof.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as are stated in clause (a).

In case of the death of a person from any cause other than the accident, during the period of payments for permanent injury, the remaining payment shall be paid to his or her dependents, according to the provisions of Section thirteen of this Act, or, if no dependents, the remaining amount due, but not exceeding one hundred dollars, shall be paid in a lump sum to the proper person for funeral expenses.

Average weekly earnings or wages shall be computed in such manner as to give the average rate per week at which the injured workman was being renumerated during twelve months preceding the accident. Provided, however, that where, owing to the shortness of the time during which the workman was in the employment of his employer, or the casual nature of his employment, or the terms of it, it is impracticable to compute the rate of remuneration as of the date of the accident, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade, employed at the same work and by the same employer, or if there is no such person so employed, then by a person in the same grade, employed in the same class of employment and in the same general locality.

§ 12. In case of death, compensation shall be computed, but not distributed, on the following basis:

(1) Actual dependents.

For one dependent, forty-five per centum of wages.

For two dependents, fifty per centum of wages.

For three dependents, fifty-five per centum of wages.

For four or more dependents, sixty per centum of wages.

The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or death, namely; husband, wife, parents, step-parents, grand-parents, children, step-children, grand-children, posthumous children, illegitimate children, brothers, sisters, half-brothers, half-sisters. Legally adopted children shall, in every particular, be considered as natural children: Provided, however, that dependency shall be presumed as to a widow who was living with her husband at the time of his decease, and children under the age of eighteen; step-children and illegitimate children shall be presumed to be dependent when they were part of the decedent's household at the time of his death. Every provision of this Act, applying to one class shall be equally applicable to the other. Should any dependent of a deceased employe die during the period covered by such weekly payments, or should the widow of a deceased employe remarry during such period, the right of such dependent or of such widow to compensation under this section shall cease.

Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the judge of the circuit court of the county, who shall, when applied to for that purpose, determine, upon the facts being presented to him, the proportion to be paid to or on behalf of each dependent according to the relative dependency. Payment on behalf of infant dependents shall be made to the surviving parent, if

any, except that the circuit judge shall have power to order such payment to be made to the infant or his guardian.

(2) No dependents.

Expenses of last sickness and burial, the cost of burial, however, not to exceed one hundred dollars.

In computing compensation to orphans or other children, only those under eighteen years of age shall be included, and only during the period in which they are under that age, at which time payment on account of such child shall cease: Provided, however, that payments to such physically or mentally deficient children as are for such reason dependent shall continue during the full term of compensation payment.

The compensation in case of death shall be subject to a maximumu compensation of twelve dollars per week and a minimum of five dollars per week: Provided, that if at the time of injury the employe receives wages of less than five dollars per week, then the compensation shall be the full amount of such wages per week. This compensation shall be paid during three hundred weeks.

In computing or distributing compensation under this schedule alien dependents not residents of the United States shall not be included.

§ 13. No compensation shall be allowed for the first week after injury received, except as provided by Section twelve, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in Section fifteen.

§ 14. During the first week after the injury the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed one hundred dollars in value, unless the employe refuses to allow them to be furnished by the employer.

§ 15. Compensation for all classes of injuries shall run consecutively and not concurrently, as follows: First week medical and hospital services and medicines, as provided in

Section fourteen. Aften the first week compensation during temporary disability. Following both, either or none of the above compensation consecutively for each permanent injury. Following any or all or none of the above if death results from the accident, expenses of last sickness and burial. Following which compensation to dependents, if any. In no case shall the total number of weekly payments be more than four hundred.

§ 16. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the employe, or some one on his behalf, or some of the dependents, or some one on their behalf, shall give notice thereof to the employer within fourteen days of the occurrence of the injury, then no compensation shall be due until such notice is given or knowledge obtained. If the notice is given, or the knowledge obtained within thirty days from the occurrence of the injury, no want, failure, or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect or inaccuracy, and then only to the extent of such prejudice. If the notice is given, or the knowledge obtained within ninety days, and if the employe or other beneficiary, shall show that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact or law, or ability, or to the fraud, misrepresentation or deceit of another person, or to any other reasonable cause or excuse, then compensation may be allowed, unless, and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice. Unless knowledge is obtained or given, within ninety days after the occurrence of the injury, no compensation shall be allowed.

§ 17. The notice referred to may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action, or by sending it through the mail to the employer at the last known res-

idence or business place thereof within the State, and shall be substantially in the following form:

To (name of employer):

You are hereby notified that a personal injury was received by (name of employe injured, who was in your employ at (place) while engaged as (nature of employment), on or about the (.....) day of (.....), nineteen hundred and (.....), and that compensation will be claimed therefor.

Signed, (.....).

But no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employe, by name, received an injury in the course of his employment on or about a specified time, at or near a certain place. Notice served on the person who was the employe's immediate superior, or at his office, shall be a compliance with this Act.

§ 18. After any injury, the employe, if so requested by his employer, must submit himself for examination at some reasonable time and place within the State, and as often as may be reasonably requested, to a physician or physicians of his own selection present to participate in such examination. The refusal of the employe to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension.

§ 19. In case of a dispute over, or failure to agree upon, a claim for compensation between employer and employe, or the dependents of the employe, either party may submit his claim, both as to questions of fact, the nature and effect of the injuries, and the amount of compensation therefor according to the schedule herein provided, to the judge of the circuit court of such county as would have jurisdiction in a civil case, or where there is more than one judge of said court, then to either or any of said judges of such court, which judge is hereby authorized to hear and determine such disputes in

a summary manner, and his decision as to all questions of fact shall be conclusive and binding.

§ 20. In case of death, payment shall be made to the personal representative for distribution as directed by the judge of the circuit court. If no personal representative has qualified, the said judge shall, by order, direct payment to be made to such person as would be entitled to administration of the estate of such decedent upon like terms as are required of administrators.

§ 21. Procedure in case of dispute shall be as follows:

Either party may file in the circuit court a petition setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the injury in its extent and character, the amount of average weekly wages received at the time of injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of the said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. This petition shall be verified by the oath or affirmation of the petitioner. Proceedings on behalf of any infant shall be instituted and prosecuted by a guardian or next friend, and payment, if any, shall be made to such guardian or next friend or to the infant, as the judge may direct, provided that if the judge shall, by order, direct payment to be made such next friend, he shall require bond to be executed by such next friend for the proper application of compensation payments similar to bonds required of guardian.

Said petition shall be filed with the clerk of the circuit court in the county where the employe resides, or where the accident occurred, if filed by such employe, but if filed by the employer, it shall only be filed with the clerk of the circuit court in the county where the employe resides. The clerk shall issue summons thereon which shall require the adverse party to answer in twenty (20) days after service if the court be

one of continuous session, otherwise at the first day of the next term which does not commence in ten (10) days after service. The answer of the adverse party shall be filed on or before the day named, unless the court for good cause shown shall grant further time. At any time after the day the answer is due the court shall, on the request of either party, assign the proceedings to a day for trial which shall not be less than twenty (20) days thereafter in the courts of continuous session and, in other courts, at the earliest possible day but not less than five (5) days thereafter. The answer shall be verified in like manner as required for a petition. No reply or other pleading shall be necessary. Within thirty (30) days after the final hearing the judge of the circuit court shall file his determination.

At the time fixed for hearing or any adjournment thereof the said judge shall hear such witnesses as may be presented by each party, either orally or by deposition, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the Clerk of the circuit court, and judgment shall be entered thereon in the same manner as in causes tried in the circuit court, and shall contain a statement of facts as determined by said judge. The employer may once every month file receipt of payment, verified by affidavit that the receipts are accurate and true, with the clerk of the court, which shall be entered in satisfaction of the judgment of the extent of such payments. Subsequent proceedings thereon shall only be for the recovery or commutation of moneys thereby determined to be due, provided that nothing herein contained shall be construed as limiting the jurisdiction of the Court of Appeals to review questions of law by appeal. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as are allowed, taxed and collected for like services in the circuit court.

No agreement between the parties for a lesser sum than

that which may be determined by the judge of the circuit court to be due, shall operate as a bar to the determination of a controversy upon its merits, or to the award of a larger sum, if it shall be determined by the said judge that the amount agreed upon is less than the injured employe or his dependents are properly entitled to receive.

§ 22. The compensation herein provided may be commuted by said circuit court, at its present value when discounted at five per centum simple interest, upon application of either party, with due notice to the other, if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe, or that it will avoid undue expense or undue hardship to either party, or that such employe or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the greater part of his business or assets. In the event the amount due under any communtation is not paid within ten (10) days then the employe or any beneficiaries under this Act shall have the right to proceed to collect the amount due under such commutation, by execution, attachment, garnishment, or any other process now allowed by law for the collection of a debt, and without the execution of any bond required by law to secure such remedy.

In determining whether the commutation asked for will be for the best interest of the employe or the dependents of the deceased employe, or that it will avoid undue expense or undue hardship to either party, the judge of the circuit court will constantly bear in mind that it is the intention of this Act that the compensation payments are in lieu of wages, and are to be received by the injured employe or his dependents in the same manner in which wages are ordinarily paid. Therefore, commutation is a departure from the normal method of payment and is to be allowed only when it clearly appears that some unusual circumstances warrant such a departure. Commutation shall not be allowed for the purpose of enabl-

ing the injured employe, or the dependents of a deceased employe, to satisfy a debt, or to make payment to physicians, lawyers, or any other persons.

An agreement or award of compensation may be modified at any time by a subsequent agreement, or at any time after one year from the time when the same became operative, it may be reviewed upon the application of either party on the ground that the incapacity of the injured employe has subsequently increased or diminished. In such case the provisions of Section sixteen shall apply.

§ 23. At any time after an agreement fixing compensation or the entry of an award, a sum equal to the future installments of compensation may (where death or the nature of the injury renders the amount of future payments certain) by leave of court, be paid by the employer to any bank or trust company in good standing and authorized to do business in this State and having an office in the county in which the award was entered, and such sum, together with all interest thereon, shall thereafter be held in trust for the employe or the dependents of the employe, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipt of the trustee noted upon the docket of the clerk of the court, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same times as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee, preference shall be given in the discretion of the court, to the choice of the employe or the dependents of the deceased employe.

In any case where an infant under the age of twenty-one years shall be entitled to receive a distributive share of or compensation by virtue of the provisions of the Act, any duly authorized guardian of such infant shall be authorized and empowered to act for such infant and shall have the same

right and authority to compromise any claim arising under this Act as guardians now have by law for the compromise of other claims of their wards, but such compromise must be approved by order of the circuit court of the county wherein the minor resides.

§ 24. The right of compensation granted by this Act shall have the same preference against the assets of the employer as is now or may hereafter be allowed by law for a claim for unpaid wages for labor. Claims or payments due under this Act shall not be assignable and shall be exempt from all claims of creditors and from levy, execution or attachment.

§ 25. No agreement by an employe to waive his rights to compensation under this Act shall be valid.

ARTICLE III. LIEN OF ATTORNEYS.

§ 26. No claim for legal services or disbursements pertaining to any claim made or proceeding brought under the provisions of this Act shall be an enforcible lien against the amount paid as compensation, unless the same be approved in writing by the judge presiding at the trial, or in case of settlement without trial, by the judge of the circuit court of the district in which such issue arose: Provided, that if notice in writing be given the employer of such claim for legal services or disbursements, the same shall be a lien against the amount paid as compensation, subject to determination of the amount of such claim and its approval hereinbefore provided.

§ 27. When any proceedings have been taken under the provisions of Section ..... and Section ..... of this Act, the judge of the circuit court shall, as a part of his determination and order either for payment or for commutation of payment, settle and determine the amount of compensation to be paid by the injured employe or his dependents, on behalf of whom such proceedings are instituted, to his legal adviser or ad-

visers, and it shall be unlawful for any lawyer, or other person acting in that behalf to ask for, contract for or receive any larger sum than the amount so fixed; and in the order determining weekly payments where no commutation is made, the judge shall also determine the amount to be paid per week from the compensation payment on account of the legal fee thus awarded, and it shall be unlawful for the legal adviser, or other person acting in that behalf, to ask for, contract for or receive a larger sum per week than the allowance thus determined. Violation of the restrictions contained in this clause shall constitute contempt of the court and shall be punished accordingly.

ARTICLE IV. GUARANTY OF PAYMENTS.

§ 28. Every employer subject to this Act shall furnish to the judge of the circuit court, satisfactory proof of his solvency and financial ability to pay directly to injured employes or other beneficiaries the weekly compensation due and the maximum compensation that may become due under any award, and, in the event of failure to furnish such satisfactory proof, such employer shall guarantee his full liability in one of the following ways, viz.:

First. By filing in the proceedings in which said award was rendered a bond, to be approved by the judge, guaranteeing the payment of the compensation due and to become due under said award.

Second. By insuring against his full liability in any employers' liability insurance company authorized to take such risks in the State of Kentucky.

Third. By insuring against his full liability in any employers' insurance association organized under the laws of the State of Kentucky or in any mutual insurance association authorized under the laws of the State of Kentucky to assume such risks.

In the event the employer does not furnish satisfactory

proof of his ability to pay, as above set forth, or guarantee the payment of the award in one of the three methods above mentioned, within ten (10) days after the entry of any award, or shall refuse at any time for two consecutive weeks, to pay the weekly compensation due under any agreement or award, then the employe or his personal representative or any of the beneficiaries under this Act shall have the right to proceed to collect the full amount due or the maximum amount that may become due under said agreement or award, by execution, attachment, garnishment or any other process now allowed by law for the collection of a debt, and without the execution of any bond required by law to secure such remedy.

The amount so collected shall be paid into court and distributed according to the terms of such agreement or of the court's award.

§ 29. No policy of insurance against liability under this Act shall be made by any employers' liability insurance company or any employers' insurance association or mutual insurance association, to guarantee the full liability of the employer under clauses second and third of Section ....., unless the same shall cover the entire liability of the employer hereunder, and shall contain an agreement by the insurer that in case the employer shall be or become insolvent or in case an execution upon a judgment for compensation is returned unsatisfied, an employe of such employer or the personal representative of the dependents of a deceased employe who shall be entitled to compensation under this Act, may enforce their claim or claims to compensation against the insurer to the extent that the employer could have enforced his claim against such insurer had he paid compensation. No suit shall be maintained for the collection of premiums upon any such policy of insurance, unless such covenant and agreement is contained in said policy. Such covenant and agreement shall be unaffected by any default of the insured in the payment of premiums and shall be construed to be a direct promise to

such injured employe, his personal representative and dependents, and shall be enforcible by action brought in his or their names. Every contract for such insurance of the compensation herein provided for, or against the liability therefor, shall be deemed to be made subject to the provisions of this Act, and provisions inconsistent with this Act shall be void. No company or association shall enter into any such contract for insurance unless such insurer shall have been approved by the State Insurance Commissioner, as provided by law. Nothing in this Act shall affect the right of an employer to carry any other insurance against his liability, in whole or in part, under this Act. Any insurance contract made in pursuance of the terms of this Act or to carry out its provisions shall be determinable by either party on six months' notice in writing to the other.

§ 30. Nothing herein shall affect any existing contract for employers' liability insurance, or affect the organization of any mutual or other insurance company, or any arrangement now existing between employers and employes, providing for the payment to such employes, their families, dependents or representatives, sick, accident or death benefits in addition to the compensation provided for by this Act; but liability for compensation under this Act shall not be reduced or affected by any insurance of the injured employe, or any contribution or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of insurance or other contract, have the right to recover the same directly from the employer, and in addition thereto, the right to enforce in his own name as provided in the preceding Section, the liability of any insurer who may, in whole or in part, have insured the liability for such compensation: Provided, however, that payment in whole or in part of such compensation by either the employer, or the insurer, as the case may be,

shall, to the extent thereof, be a bar to a recovery against the other, of the amount so paid.

ARTICLE V. GENERAL PROVISIONS.

§ 31. Employer is declared to be synonymous with master and includes natural persons, partnerships and corporations; employe is synonymous with servant and includes all natural persons who perform service for another for financial consideration, exclusive of casual employments.

§ 32. Where a third person or corporation is liable to the employe or his dependents for an injury or death, the existence of a right of compensation from the employer under this statute shall not operate as a bar to the action of the employe or his dependents, nor be regarded as establishing a measure of damage therein. However, in event that the employe or his dependents shall recover from the said third person or corporation, a sum equivalent to or greater than the total compensation payments for which the employer is liable under this statute, the employer shall be released thereby from the obligation of compensation. If, however, the sum so recovered from the third person or corporation is less than the total of compensation payments, the employer shall be liable only for the difference. The obligation of the employer under this statute to make compensation, shall continue until the payment, if any, by such third person or corporation is made. Such employer shall file with the third person or corporation so liable, at any time prior to payment, a statementof the compensation agreement or award between himself and his employe or the dependents of the employe, and the employer shall thereafter be entitled to receive from such third person or corporation, upon payment of any amount in release or in judgment by the third person or corporation on account of his or its liability to the injured employe or his dependents, a sum equivalent to the amount of compensation payments which the employer has theretofore

paid to the employe or his dependents, which payments shall be deducted by the third person or corporation from the sum paid in release or judgment to the injured employe or his dependents.

§ 33. Wherever, in Article II of this Act, the term "wages" is used, it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, and it shall include board, lodging or similar advantages received from the employer, unless the money value of such advantages shall have been fixed by the parties at the time of hiring. Where prior to the accident, the rate of wages is fixed by the output of the employe, his weekly wages shall be taken to be six times his average daily earnings for working days of ordinary length, excluding overtime. This rate of weekly wages shall be calculated by dividing the total value of the employe's output during the actual number of full working days during the preceding six months, by the number of days the workman was actually employed.

Where the employment has been for less than six months at the time of the injury the rate of weekly wages shall be calculated in like manner during the period he has been employed.

All parts of this calculation shall refer to employment by the same employer.

§ 34. In case of personal injuries or death, all claims for compensation on account thereof shall be forever barred unless within one year after the accident the parties shall have agreed upon the compensation payable under this Act, or unless within one year after the accident one of the parties shall have filed a petition for adjudication of compensation as provided herein.

§ 35a. For the purposes of this Act, wilful negligence shall consist of (1) deliberate act or deliberate failure to act; or (2) such conduct as evidences reckless indifference to

safety; or (3) intoxication, operating as the proximate cause of the injury.

§ 35b. The words injury or injured as used in this Act, refer only to an injury resulting from some fortuitous event as distinguished from the contraction of disease.

§ 36. Wherever, in this Act, the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

§ 37. In case for any reason any section or any provision of this Act, shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this Act, except that Article I and II are hereby declared to be inseparable, and if either be declared void or inoperative in an essential part, so that the whole of such Article must fall, the other article shall fall with it, and not stand alone.

§ 38. Every right of action for negligence, or to recover damages for injuries resulting in death existing before this Act shall take effect, is contined, and nothing in this Act contained shall be construed as affecting any such right of action, nor shall the failure to give notice provided for in Section fourteen of this Act be a bar to the maintenance of a suit upon any right of action existing before this Act shall take effect.

§ 39. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Mr. W. M. Duffy offered the following amendment to said substitute:

Amend Section 28 by adding after line 17, substitute H. B. 205, the following:

"Fourth. By insuring in mutual companies, or reciprocal or inter-insurance exchanges not authorized under the laws of Kentucky, through medium of which citizens resident of this State procure indemnity under the provisions of

Sections three and four of sub-division six of Article 13, of the Insurance Laws of Kentucky."

Amend Section 29, line 3, by adding after the words "Insurance Association" the words, "Reciprocal or inter-insurance exchanges."

Said amendment was adopted.

Mr. H. J. Meyers offered the following substitute for the substitute proposed by the Committee on Compensation for Industrial Injuries, H. B. 205, and all pending amendments:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a Board of Commissioners is hereby created to be known as "The Workmen's Compensation Board" to administer the funds for the compensation of injured workmen, and the dependents of killed workmen, as herein provided. Said board shall consist of the Attorney General, the Commissioner of Labor and the Insurance Commissioner and the duties imposed on said officers by this Act shall be covered by their official bonds.

§ 2. The board shall keep and maintain in its main office in the City of Frankfort, Kentucky, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals and maps for the same. All necessary expenses shall be audited and paid out of the State Treasury. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, on which shall be inserted the words: "Workmen's Compensation Board, State of Kentucky, Official Seal." The board may hold sessions at any place within the State. Said board shall have the power to sue and be sued.

§ 3. The board shall elect one of its members Presi-

dent, and shall elect a Secretary, and stenographers who shall hold their office at the pleasure of the board. The Secretary shall receive for his services an annual salary of $3,000, and the stenographer an annual salary of $900, to be paid monthly as salaries of other State officials are paid.

§ 4. The board may employ actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants and fix their compensation. Such employment and compensation shall be first approved by the Governor, and shall be paid out of the State Treasury. The members of the board, secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants that may be employed shall be entitled to receive from the State Treasury their actual and necessary expenses while traveling on the business of the board, and the members of the board may confer with, and meet with officers of other States and officers of the United States on matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the Board.

§ 5. The board shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public and shall stand and be adjourned without further notice thereof, on its records. All proceedings of the board shall be shown on its records of proceedings which shall be a public record and shall contain a record of each case considered and the award made, with respect thereto, and all voting shall be had by the calling of each member's name by the Secretary, and each vote shall be recorded as cast.

§ 6. A majority of the board shall constitute a quorum for the transaction of business, and vacancies shall not impair the right of the remaining members to exercise all the powers of the full board, so long as a majority remains. Any investigation, inquiry or hearing which the board is author-

ized to hold or undertake, may be held or undertaken by or before any one member of the board. All investigations, inquiries, hearings and decisions of the board, and every order made by a member thereof, when approved and confirmed by a majority of the members and so shown on the record of its proceedings, shall be deemed to be the order of the board.

§ 7. The board shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notice and the service thereof, in case of accident and injury to employes, the nature and extent of the proof and evidence and the methods of taking and furnishing same, to establish the rights to benefits or compensation from the fund hereinafter provided for, the form of application of those claiming to be entitled to benefits or compensation therefrom; the methods of making physical examinations and inspections and prescribe the time within which adjudications and awards shall be made.

§ 8. Each member of the board, the secretary and every inspector or examiner appointed by the board, shall, for the purpose contemplated by this Act, have power to administer oaths, certify to official acts, take depositions, issue subpoenas and compel the attendance of witnesses and the production of pertinent books, accounts, papers, records, documents and testimony.

§ 9. In the case of failure or refusal of any person to comply with the order of the commission or subpoena issued by it or one of its inspectors or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection, as aforesaid, the Circuit Judge of the county in which the person resides, on application of any member of the commission or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

§ 10. Each officer who serves a subpoena shall receive

the same fees as a sheriff, and each witness who appears in obedience to a subpoena before the commission or inspector or examiner, or before the board shall receive for his attendance the fees and mileage provided for witnesses in civil cases in circuit courts, which shall be audited and paid from the State Treasury, in the same manner as other expenses are audited and paid upon presentation of proper vouchers, approved by any two members of the commission. No witness subpoenaed at the instance of a party other than the commission or an inspector, shall be entitled to compensation from the State Treasury, unless the commission shall certify that his testimony was material to the matter investigated.

§ 11. In an investigation, the commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions to be used in the circuit court.

§ 12. A transcribed copy of the evidence and proceedings or any specific part thereof, on any investigation, taken by a stenographer appointed by the commission, being certified and sworn to by said stenographer to be a true and correct transcript of the testimony in the investigation, or of a particular witness, or of a specific part thereof, or to be a correct transcript of the proceedings had on said investigation, so purporting to be taken and subscribed, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the facts certified. A copy of such transcript shall be furnished on demand to any party on payment of the fee therefor, as provided for transcripts in the circuit court.

§ 13. The board shall prepare and furnish, free of charge, blank forms and provide in its rules for their distribution, so that the same may be readily available, of applications for benefits for compensation from the workmen's compensation fund, notice to employers, proofs of injury or death, or medical attention, of employment and wage earnings, and such other blanks as may be deemed proper and ad-

visable and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks.

§ 14. All persons, firms and corporations, regularly employing six or more persons for profit or for the purpose of carrying on any form of industry hereinafter mentioned, in the State of Kentucky, are employers within the meaning of this Act and are subject to its provisions. All persons in the service of employers, as herein defined, and employed by them for the purpose of carrying on the industries hereinafter mentioned, in which they are engaged (persons casually employed, excepted), are employes within the meaning of this Act and subject to the provisions thereof; provided, that this Act shall not apply to employers of employes in domestic or agricultural service, to employes of any employer who are employed wholly without the State, nor shall a member of a firm of employers or any officer of a corporation employer be deemed an employe within the meaning of this Act.

§ 15. The industries which are subject to this Act are classified as follows:

(1) Coal mines, including their tipples, power, light, heating and ventilating plants, tramways, private tracks and sidings and accessory and auxiliary plants, working in or with by-products.

(2) Paint manufactories, oil refineries, oil and gas wells including their pipe lines, storage, power or light plants, tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.

(3) Iron and steel mills, including blast furnaces, smelters, tube works, rolling mills, and their accessory and auxiliary plants, working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(4) Sheet and tin plate mills, including their accessory and auxiliary plants, working in or with by-products, and

plants generating power, light or heat, and tramways, private tracks or sidings.

(5) Foundries, machine shops, firearm factories, tool factories, car building and repairing, structural iron works, and working in or with iron or steel, not otherwise specified, when power driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(6) Stamped metal works, can factories, enamel iron works, and workings in or with sheet iron or tin plates, not otherwise specified, where power driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(7) Logging—Logging railroads and tramways, saw mills, including their accessory and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(8) Planing mills, wood pulp, cordage and paper mills, box factories, cooperage plants, furniture factories, woodenware or wood fibre ware manufactories, vehicle works of every kind, including their accessory and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(9) Glass houses of all kinds, including manufactories of tableware, bar goods, bottles, tumblers, glass light fixtures, parts, lamps, window and plate glass, potteries of all kinds, including tile, brick, terra cotta, fire clay, earthenware, porcelain, china and crockery-ware using automatic machinery togther with accessory and auxiliary plants working in or with by-products, and plants generating light or heat, and tramways, private tracks and sidings.

(9a) Glass houses of all kinds, including manufactures of tableware, bar goods, bottles, tumblers, gas light fixture parts, lamps, window and plate glass, potteries of all kinds,

including tile, brick, terra cotta, fire clay, earthenware, porcelain, china and crockeryware, not using automatic machinery, together with accessory and auxiliary plants working in or with by-products and plants generating power, light or heat and tramways, private tracks and sidings.

(10) Printing plants of all kinds, electrotyping, photoengraving, engraving, lithographing, embossing, bookbinding, and accessory and auxiliary lines of work and manufacture.

(11) Woolen mills, knitting mills, cotton mills, carpet and rug mills, clothing manufactories of every kind and working in or with textiles not otherwise specified.

(12) Breweries, bottling works, canneries of fruit, vegetables, oils, fish, milk or meat, manufactories of preserves, jellies, ketchup, sauces, relishes, pickles, flour and feed mills, bakeries, confectioneries, drug and extract manufactories, tobacco, cigar and stogie and cigarette manufactories, in which power driven machinery is used.

(13) Slaughter and packing houses, stock yards, soap, tallow, lard and grease manufactories, tanneries, artificial ice, and refrigerating and cold storage plants, creameries, and carbon black factories, in which power driven machinery is used.

(14) Steam laundries, dyeing and cleaning plants, stamping, embossing and working with leather, shoe and harness manufactories, mattresses and bedding factories, upholstering, factories, manufacturers of rubber goods, and auxiliary and accessory lines of work and manufacture not otherwise specified.

(15) Steam and other railroads and transportation systems not otherwise specified.

(16) Street and interurban railways, whether propelled by electricity or other power.

(17) Telegraph and telephone plants and systems, electric light and power plants and systems, steam heat and power plants and systems, water works systems, gas works

and systems, grain elevators and all lighting, heating or power systems not otherwise specified.

(18) Quarries, stone crushers, gravel pits, mines, other than coal mines, and working with asphalt, cement, stone or other building material not otherwise specified, power propelled ferries, sand diggers and other water craft.

(19) Such works, occupations and manufactories specified in the foregoing eighteen classifications as are operated without power-driven machinery.

(20) Match factories, powder mills, fire-works factories, and works in which articles of an explosive nature are mixed or manufactured.

(21) Constructing of tunnels, shafts, bridges, trestles, steeples, towers, grain elevators, tanks, water towers, wind mills, subaqueous works, iron or steel frame structures, or parts of structures, blast furnaces, smoke stacks, cupolas or chimney more than fifty feet high, water works and systems, electric lights and power plants and systems, gas works, systems, installation of steam boilers, engines and dynamos, steam railroads, logging railroads, street railways and systems, boat building with scaffolds, floating docks, engineering works, structural work on buildings over three stories in height, not otherwise specified, and drilling of wells.

(22) Construction and installation of sewers, fire escapes, freight or passenger elevators, advertising signs, ornamental metal work on or in buildings, metal ceilings, plate or window glass, electrical wiring, stairways, buildings which require galvanized iron or tin work, marble, stone or brick work, roof work, slate work, plumbing work, carpenter work, electric work, installing automatic sprinklers, electric or fire alarm systems, heating or ventilating systems, or machinery not otherwise specified, covering steam pipes and boilers, road and street making, street or other grading and structural work not otherwise specified.

(23) Such works or occupations not specified in the foregoing classifications in connection with which employer

and employes shall voluntarily apply to the commission for the benefit and protection of this Act.

And the board shall have the power, on or before the first day of January and July of each year, to re-classify the industries subject to this Act, or to create additional classifications in accordance with their respective degrees of hazard and determine the risk of different classes and fix the rates or premiums for each class, according to the risk of same, sufficiently large to provide an adequate fund for the compensation provided for in this Act, and to create a surplus sufficiently large to guarantee a workmen's compensation fund from year to year; provided that the rates so fixed shall not exceed the maximum of one dollar and twenty-five cents on each one hundred dollars of the gross annual pay roll of each employer in any class for the first year after this Act takes effect, but the board may increase the rate if deemed necessary on the first day of July or January in any year. But in determining the rate of premium the board shall consider the length of time during which payment to employes or dependents under the Act may be paid; and provided that employes engaged in the same industries shall be placed in the same class. The premium required to be paid by employers shall be based on the gross annual pay roll of each employer in any class. The classification so determined and the rates of premium established, shall be applicable for such year; or portion thereof; and provided further that for the purpose of this Act, the pay of any employe employed partly within and partly without the State shall be deemed to be such proportion of the total pay of said employe as his service within this State bears to his services outside the same.

§ 16. Every employer shall furnish the board, upon request all the information required by it to carry out the purpose of this Act. The board or any member thereof, or any person employed by the board for that purpose shall have

the right to examine under oath, any employer or officer, agent or employe thereof.

§ 17. Within thirty days from the organization of the board, every employer subject to this Act, shall notify the commission of such fact. The board shall prepare blank reports for the use of and furnish same, to employers subject to this Act, and every employer receiving from the commission any blank or blanks with directions for filling out and returning same, shall return the same filled out, so as to answer fully and correctly all pertinent questions there propounded, and if unable to do so, shall give good and sufficient reason for such failure. Answers to such questions shall be verified under oath, and returned to the commission within the period fixed by the commission for such return.

§ 18. Every employer shall furnish the board upon request all information required by it to carry out the purposes of this Act. In the month of January of each year, every employer subject to the Act, shall prepare and mail to the board at its main office in the City of Frankfort, Kentucky, a statement containing the following information, viz.: The number of employes employed during the preceding year from January 1st to December 31st, inclusive; the number of such employes employed at each kind of employment and the aggregate amount of wages paid to such employes, which information shall be furnished on a blank or blanks to be furnished by the board, and it shall be the duty of the board to furnish such blanks to employers free of charge, upon request therefor. Every employer receiving from the board any blanks with directions to fill out same shall cause the same to be properly filled out so as to answer fully and correctly all pertinent questions therein propounded and to give all the information therein sought, or if unable to do so, he shall give to the board, in writing, good and sufficient reasons for such failure. Any employer who shall fail or refuse to furnish to the board the annual statement herein required, or who shall fail or refuse to furnish such other

pertinent information as may be required by the board, as provided by this section, shall be liable to a penalty of not exceeding five hundred dollars ($500) to be collected in a civil action brought against said employer in the name of the State. All such penalties, when collected, shall be paid into the workmen's compensation fund and become a part thereof.

§ 19. The information contained in the annual report provided for in the preceding section, and such other information as may be furnished to the board by employers, in pursuance of the provisions of any section hereof, shall be for the exclusive use and information of said board in the discharge of its official duties, and shall not be open to the public, nor be used in any court in the action or proceeding, but the information contained in said report may be tabulated and published by the department in statistical form for the use and information of other State departments and the public. Any person who shall divulge any information secured by him while a member of the board or an employe thereof in respect to the transactions, property or business of any company, firm, corporation, person, association or co-partnership to any person other than the members of the board, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and shall thereafter be disqualified from holding any appointment or employment with the board.

§ 20. The commission shall establish a workmen's compensation fund from the premiums paid thereto by the employers based on the pay rolls of such employers that have paid the premiums applicable to the class to which they belong, and for the benefit of the dependents of such employes, and shall adopt rules and regulations with respect to the collection, maintenance and disbursement of said fund, not in conflict with the provisions of this Act.

§ 21. The board shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the disbursements on account of

injuries and deaths of employes thereof, and it shall also keep an account of the money received from each individual employer, and the amount disbursed from the workmen's compensation fund on account of injuries and death of the employes of such employers should any money remain to the credit of any class, at the end of any year, after disbursements on account of deaths of and injuries to employers of that class during such year, such remainder not exceeding ten per cent of the money paid into said fund on account of such class shall be set aside for the creation of a surplus, until the surplus shall be sufficiently large to guarantee a workmen's compensation fund for such class. But claims for the benefits under this Act shall always have priority over the surplus fund.

§ 22. On the first day of July, 1915, and semi-annually thereafter, a readjustment of the rates shall be made for each of the several classes of occupation or industry, which in the judgment of the board, have developed an average less ratio in accordance with the experience of the board in the administration of law, as shown by the accounts kept, as provided herein.

§ 23. The Treasurer of the State shall be the custodian of the workmen's compensation fund, and all disbursements therefrom shall be paid by him upon vouchers furnished the workman's compensation board, and signed by any two members of the board, or such vouchers may bear the facsimile signature of the board members printed thereon, and the signature of the Secretary of said Board.

§ 24. The State Treasurer shall give a separate and additional bond, in such amount as may be fixed by the Governor with sureties to be approved by him, conditioned on the faithful performance of his duties as custodian of the workmen's compensation fund.

§ 25. The State Treasurer is hereby authorized to deposit any portion of the workmen's compensation fund, not needed for immediate use, in the same manner and subject to

all provisions of law with respect to the deposit of State funds by such Treasurer, and all interest earned by such portion of the workmen's compensation fund as may be deposited by the said Treasurer, in pursuance of authority herein given, shall be collected by him and placed to the credit of such fund.

§ 26. The workmen's compensation board shall have the power to invest any surplus or reserve belonging to the workmen's compensation fund, in bonds of the United States, State of Kentucky, or of any county, city, school district or taxing district of the State of Kentucky, at current market prices for such bonds, provided that such purchase be authorized by a resolution adopted by the board and approved by the Governor.

§ 27. Every employer subject to this Act who shall elect to pay into said workmen's compensation fund and receive the benefit of this Act, shall, on or before the 1st day of January, 1915, and monthly thereafter in advance, and on or before the 10th day of each month beginning March 10th, 1915, pay into said workmen's compensation fund the amount of premiums so paid by each employer to be determined by the classification, rules and rates made and prepared by the board, and a receipt or certificate, certifying that such payment has been made, shall immediately be mailed to such employer by the workmen's compensation board, which receipt or certificate, attested by the seal of the board shall be prima facie evidence of the payment of such premium.

§ 28. In order to create a fund available on the application of this Act as aforesaid on the first day of January, 1915, the payments for the months of January, February and March, 1915, inclusive, shall be made on or before the first day of January, 1915, and be preliminarily based upon the pay roll of the operations of any three months between July, 1914, and January, 1915, to be selected by the said board. If any employer be found to have overpaid for such three months, he may deduct such overpayment from the first

monthly payment made to the fund. If any employer be found to have underpaid for such three months, he shall pay the deficiency made by him after the end of said three months. Every employer electing to pay into said workmen's compensation fund after January 1, 1915, shall pay into said fund three months in advance the amount of premium to be based preliminarily upon such employers pay roll for the three months preceding the application; any overpayment to be credited on his first monthly payment after the expiration of said three months and any underpayment to be made up by him upon his first monthly payment as hereinbefore provided with respect to employers who elect to pay in to said fund on or before January 1st, 1915; and the board shall make proper rules and regulations to carry this provision into effect and for cases where the employer has had no pay roll preceding his application.

§ 29. It shall be lawful for any employe subject to this Act, including persons under twenty-one years of age to contract with any employer subject to this Act who elects to pay the premiums herein provided to be paid into said workmen's compensation fund, to accept the compensation provided to be paid to injured employes and the dependents of those killed, and to accept the benefits conferred on employes by this Act, in lieu of any cause of action which he might have, if injured, or that his representative might have if he was thereafter killed through the negligence of such employer, or the negligence of his agents, servants, officers or employes, and to waive all causes of action against such employer conferred by the Constitution or statutes of this State or by the common law for his injury or death, occurring through the negligence of the employer or his agents and such contract shall be binding upon the employer and upon the employe and upon his heirs, personal representatives and all persons claiming under or through him.

§ 30. Such a contract between an employe and his employer shall be conclusively presumed to have been made in

every case where an employer has elected to pay into the workmen's compensation fund, if said employe shall continue to work for said employer thereafter, with notice that the employer has elected to pay into said fund and the posting of printed or typewritten notices in conspicuous places about the employer's place of business at the time of the election of such employer to pay into the workmen's compensation fund that he has elected to pay into said workmen's compensation fund shall constitute sufficient notice to all such employes then or thereafter employed of the fact that he has made such an election, and the continuance in the service of such employers shall be deemed a waiver by the employe of his rights of action, as aforesaid. Except as provided in Section 33.

§ 31. Any employer subject to this Act, electing to pay into the workmen's compensation fund, the premiums provided for by this Act, shall not be liable to respond in damages at common law or by statute for the injury or death or loss of service of any employe occurring through the negligence of such employer, or his agent, servants, officers, or employes during any period of time in which such employer shall not be in default in the payment of such premiums. Provided, that the injured employe has remained in his service after notice is posted as provided in Section 31, that his employer has elected to pay into the workmen's compensation fund the premiums provided by this Act. The continuance in the service of such employer or accepting service after such notice shall have been posted, shall be deemed a waiver by the employe of his rights or action, as aforesaid. Except as in Section 33.

§ 32. Any employe prior to receiving an injury may give notice to an employer who has elected to pay into said fund, that he will not accept the benefits of this Act and waive his right of action as herein provided. Such notice shall be in writing and served on the employer as provided by the Civil Code for the service of notices, and a copy there-

of shall be mailed by the employe to the workmen's compensation board. If thereafter such employe shall be injured or killed while employed by such employer who has elected to pay into the said workmen's compensation fund, and an action shall be instituted against such employer to recover damages for the injury or death of such employe, it shall be sufficient defense thereto and shall bar recovery if the injury of said employe was caused by or contributed to by the negligence of any other employe of said employer, or if the injury was due to any of the ordinary hazards, or risks of the employment, or if due to any defect in the tools, machinery, appliances, instrumentality or place of work, if the defect was known or could have been discovered by the injured employe by the exercise of ordinary care on his part, or was not known or could not have been discovered by the employer by the exercise of ordinary care in time to have prevented the injury nor in any event, if the negligence of the injured employe contributed to such injuries. But nothing herein shall deprive such employer of any defense not herein mentioned. If the employer is not in fault in payment of premiums and a recovery shall be obtained against him in such action, the said board shall pay on said judgment not exceeding a sum equal to the amount which the said injured employe or his dependents in case of death, would have been entitled to recover if he had elected to accept the benefit of this Act, and the employer shall receive credit on said payment for the payment made by the board. Such employe, at any time after he has elected not to accept the benefits of this Act and waive his right of action, as in this Act provided, may withdraw such election and come under the provisions of this Act and accept its benefits and waive his right of action as herein provided, by giving written notice to his employer and to the board; and shall thereafter occupy the same position as if he had originally elected to accept the benefits of this Act and waive his cause of action, provided, that such withdrawal of his election not to accept the benefits of this Act

shall not affect claims for damages against his employer on account of injuries theretofore received; nor entitles such injured employe to be paid anything out of the workmen's compensation fund on account of such prior injury.

§ 33. The commission shall disburse the workmen's compensation fund to such employes within the meaning of this Act of employers as have paid into such fund the premiums for the period in which the injury occurs, applicable to the class to which they belong that shall have received injuries in this State in the course of and resulting from their employment, or to the dependents, if any, of such employes, in case of his death, according to the provisions hereafter made.

§ 34. All employers subject to this Act who shall elect not to pay into the workmen's compensation fund the premiums provided by this Act, or having elected to pay shall be in default in the payment of same shall be liable to their employes within the meaning of this Act, for damages by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employers, and also to the personal representatives of such employe where death results from such injuries, and in any action by any such employe or personal representative thereof, such defendant shall not avail himself of the following defenses:

The defense of the fellow servant; the defense of the assumption of risk, or the defense of contributory negligence.

§ 35. The commission shall disburse and pay from the fund in addition to any such amounts as they may be entitled thereto hereafter, such amounts for medical, nurse and hospital services and medicine as it may deem proper, not, however, in any case to exceed the sum of $100 in addition to such awards to such employes; payment to be made to the employer to the persons who may have furnished the services and supplies or to the persons who may have advanced payment for the same, as the commission shall deem proper. Provided, that in case any injured employe be entitled to,

under contract connected with his employment, or otherwise, to hospital or medical services without further charge to him, no payment shall be made out of the workmen's compensation fund for hospital or medical services.

§ 36. Notwithstanding anything hereinbefore or hereafter contained, no employe or dependent of any employe shall be entitled to receive any sum from the workmen's compensation fund on account of any injury to or death of an employe caused by a self-inflicted injury, wilful misconduct or intoxication of such employe. If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe, the widow, widower, children or dependents of the employe shall have the privilege to take under this Act, or in lieu thereof, to have a cause of action against the employer as if this Act had not been enacted for such damages as may be sustained by such employe, his personal representative or dependent.

Provided, that if a suit is brought under this section, the right to participate in said workmen's compensation fund on account of such injury, shall be waived and void as to all persons, and if a claim is made for compensation from said workmen's compensation fund, all rights to sue the employer for damages for such injury shall be waived and void.

§ 37. In case death ensues from the injury received reasonable funeral expenses, not to exceed $75.00, shall be paid from the fund to the personal representative to the employe, or to such other person as shall have advanced the same, in addition to such award to the employe's dependents.

§ 38. No benefit shall be allowed for one week after injury is received, except the disbursements provided for in Section 36.

§ 39. In case of temporary total disability the employe shall receive 50 per cent of his average weekly wages, so long as such disability is total, not to exceed a maximum of $12.00 a week, and not less than a minimum of $5.00 a week,

unless the employe's weekly wages shall be less than $5.00 a week, in which event he shall receive compensation equal to his full wages, but in no case to continue for more than six years from the date of the injury, or to exceed $3,750.00.

§ 40. In case of injury resulting in partial disability the employe shall receive 60 per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of $12.00 a week or an aggregate sum of more than $3,750.00. In cases included in the following schedule, the disability in each case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified herein, to-wit:

For the loss of a thumb, 60 per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called the index finger, 60 per cent of the average weekly wages during thirty-five weeks.

For the loss of a second finger, 60 per cent of the average wages during thirty weeks.

For the loss of a third finger, 60 per cent of the average wages during twenty weeks.

For the loss of a fourth finger, commonly known as the little finger, 60 per cent of the average weekly wages during fifteen weeks.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger, shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of

the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a metacarpal bone (bone of palm) for the correspondence thumb, finger, or fingers above, add ten weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand, 60 per cent of the average weekly wages during one hundred and fifty weeks.

For the loss of an arm, 60 per cent of the average weekly wages during two hundred weeks.

For the loss of one of the toes, other than the great toe, 60 per cent of the average weekly wages during ten weeks.

For the loss of the great toe, 60 per cent of the average weekly wages during 30 weeks.

The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered equal to the loss of one-half toe.

For the loss of a foot, 60 per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, 60 per cent of the average weekly wages during two hundred weeks.

For the loss of an eye, 60 per cent of the average weekly wages during one hundred weeks.

The amounts specified in this clause are all subject to the limitations as to the maximum weekly amount payable as hereinbefore specified in this section.

§ 41. In case of permanent total disability the award shall be 60 per cent of the average weekly wages, and shall continue until the death of such person so totally disabled, but not to exceed a maximum of twelve dollars per week and not less than a minimum of $5.00 per week, at the time of the

injury, in which event he shall receive compensation in an amount equal to his average weekly wages.

The loss of both hands or both arms, or both feet or both legs, or both eyes, or any two thereof, shall prima facie constitute total and permanent disability, to be compensated according to the provisions of this section.

§ 42. In case the injury causes death within the period of two years, the benefits shall be in the amount and to the persons following:

Sub-Section 1. If there are no dependents the disbursements from the workmen's compensation fund shall be limited to the expense provided for in Sections 36 and 38. And the said board shall have the sole right of action to recover from an employer who has elected to pay into said fund who is not in default in the payment of premiums for the death of an employe leaving no dependent caused by negligence of such employer or his employes or agents.

Sub-Section 2. If there are wholly dependent persons at the time of death, the payment shall be 60 per cent of the average weekly wages and to continue for the remainder of the period between the date of death and six years later after the date of the injury and not to exceed the maximum of $3,750.00 nor less than the minimum of $1,500.00.

Sub-Section 3. If there are partly dependent persons at the time of death, the payment shall be 60 per cent of the average weekly wages and to continue for all or such portion of the period of six years after the date of injury, as the board in such case may determine, and not to amount to more than a maximum of $3,750.00.

Sub-Section 4. The following persons shall be presumed to be wholly dependent for support on a deceased employe: (a) A wife upon a husband with whom she lives at the time of his death; (b) a child, or children under the age of sixteen years (or over sixteen years, physically or mentally incapacitated from earning) upon the parent with whom she is living at the time of the death of such parent. In all other

cases the question of dependency in whole or in part shall be determined in accordance with the facts in each particular case of such employe, but no persons shall be considered as a dependent unless a member of the family of the deceased employe, or bears to him the relation of widower or widow, lineal descendant, ancestor or brother or sister. The word "child" as used in this act, shall include a posthumous child, and a child legally adopted prior to the injury.

§ 43. The benefits in case of death shall be paid to such one or more of the dependents of the deceased for the benefit of all of the dependents as may be determined by the board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the board deems it proper, and shall operate to discharge all other claims therefor. The dependent or person to whom benefits are paid, shall apply the same to the use of the several beneficiaries thereof, according to their respective claims upon the decedent for support in compliance with the finding and direction of the board.

In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the board on behalf of herself and minor children, and in cases where all of the dependents are minors, the application shall be made by the guardian of such minor dependent or dependents. The persons and classes of persons by this act specified shall be deemed to be the sole dependents of such employee and no other person, or class of persons shall receive any benefit from the fund hereby credited. And should any employee leave surviving him no such dependent, the amount that would be due and payable to his dependents, had any survived him, shall be paid, or credited to the workmen's compensation fund, to the credit of the class to which such employee belonged.

§ 44. The average weekly wages of the injured person

at the time of the injury, shall be taken as the basis upon which to compute benefits.

§ 45. Whenever the board shall find that an employe has been injured without fault on his part while in the course of his employment, through the negligence of the employer in the failure to discharge a non-delegable duty, the board may require such employer to pay an additional premium into said workmen's compensation fund equal to an amount not exceeding ten per cent of the sum awarded by the board to such injured employe or his dependents. Said premium shall be paid within thirty days after the order is made. Before making an order to pay such additional premium, the board shall give ten days' notice in writing, to the employer, to show cause against the order.

§ 46. Whenever the board shall find that an employe has received an injury in the course of his employment, through the fault of his employer in failing to comply with any statute for the protection of employes, the board shall fix a day on which the employer may appear before the board and show any cause he may have against said finding, or against the board awarding the additional sum herein provided, ten days' notice in writing, shall be given the employer of the time and place of said hearing. If no sufficient cause is shown by the employer against the finding of the board, it shall enter an order to that effect and the employer shall, within ninety days, pay into and for the benefit of the workmen's compensation fund a sum to be fixed by the board in its order not to exceed an amount equal to 25 per cent of the amount awarded to the said injured employe, or his dependents, under Section 40 to 43, of this Act. Said payment shall be made by the employer in a lump sum.

§ 47. In case any minor employe who is illegally employed shall be injured or killed, in the course of his employment, his statutory guardian or his representative, if the infant is killed, may claim compensation under the terms of this Act or sue as though this Act had not been passed. In

the event claim is made for the injury or death of such infant or compensation from said workmen's compensation fund, the board shall in addition to the sum awarded and payable from the workmen's compensation fund award an equal amount against the employer of said infant not to exceed the sum of $2,000. The amount awarded against him shall be paid by the board to the said infant or to his guardian, or representative if the infant is killed, in installments, or in a lump sum as the board may determine as provided for the payment of awards from said workmen's compensation fund. Before any order is made, requiring an employer to pay any sum to the guardian or representative of such infant, under this section of the claim, to compensation under this section notice of the time and place of the hearing of said claim by the board, shall be given to the employer and the employer shall have the right to be heard and to introduce evidence on the question of his liability.

Provided, that a claim to compensation from said workmen's compensation fund by the guardian of the infant or his personal representative, if the infant is killed, shall be a waiver and bar of all rights of action on account of said injury to said infant, and the institution of an action by the guardian or representative of the infant, shall be a waiver of the right to compensation from said workmen's compensation fund.

§ 48. Should a further accident occur to an employe receiving periodical payments under this Act, for a temporary disability, or who has been previously the recipient of a lump sum payment under this Act, his future compensation shall be adjusted according to the other provisions of this Act with reference to the combined effect of his injuries and his past receipt of money, under this Act.

§ 49. The powers and jurisdiction of the board over each and every case shall be continuing, and it may from time to time make such modifications or changes with respect

to former findings or orders with respect thereto, as in its opinion may be justified.

§ 50. The board, under special circumstances and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

§ 51. Compensation before payment shall be exempt from all claims of creditors and from any attachments, executions or lien, and shall be paid only to such persons as shall be entitled to take under this Act, and any assignment of such claim shall be void.

§ 52. The board shall have full power and authority to hear and determine all questions within its jurisdiction and its decision thereon shall be final. Provided, however, in case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the complainant's right, then the claimant, within thirty days after notice of the final action of the board, may file a petition against the board in the circuit court of the county wherein the injury was inflicted, asserting his rights therein, to participate in said fund. In such action, the Commonwealth's Attorney and the County Attorney, in the circuit court, and the Attorney General in the Court of Appeals, if the case is appealed, shall represent the workmen's compensation board. Said action shall proceed as ordinary actions in the circuit court and if the court shall find and adjudge that the plaintiff is entitled to participate in such fund, the board shall fix his compensation within the limits and under the rules prescribed in this Act. Such action shall have the same precedence on the trial dockets of the circuit court and the Court of Appeals, as election contest cases now have.

§ 53. The workmen's compensation board shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided; but may make the investigation in such

manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this Act.

§ 54. A minor legally employed shall be deemed sui juris for the purpose of this Act, and no other person shall have any cause of action or right to compensation for an injury to such minor workmen or loss of service on account thereof, but in the event of the award of a lump sum of compensation to such minor employe, such sum shall be paid only to the legally appointed guardian of such minor.

§ 55. No agreement by an employe to waive his rights to compensation under this Act shall be valid. No agreement by an employe to pay any portion of the premium paid by his employer into the workmen's compensation fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employe entitled to the benefits of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $100.00 for each such offense.

§ 56. Any employe claiming the right to receive compensation under this Act may be required by the board or its chief medical examiner, to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employe, and as may be provided by the rules of the board. If such employe refuse to submit to any such examination or obstructs the same, his right to have his claim for compensation considered, if his claim be pending before the board, or to receive any payments for compensation theretofore granted, shall be suspended during the period of such refusal or obstruction.

§ 57. All books, records and pay rolls of the employers of the State, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the board or any of its traveling auditors, inspectors, or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number

of men employed and such other pertinent information as may be necessary for the uses and purposes of the board in its administration of the law. Refusal on the part of any employer to submit his books, records and pay rolls for the inspection of any member of the board or traveling auditor, inspector or assistant presenting written authority from the board, shall subject such employer to a penalty of one hundred dollars ($100) for each offense to be collected by civil action in the name of the State and paid into the workmen's compensation fund to become a part thereof.

§ 58. Any employer who fraudulently misrepresents to the board the amount of pay roll upon which the premium under this Act is based, shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the board under this section shall be enforced in a civil action by the board and all sums collected under this section shall be paid into the workmen's compensation fund.

§ 59. The provisions of this Act shall apply to employers and their employes engaged in intra-state and also in interstate and foreign commerce for whom a rule or liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with the intra-state work may and shall be clearly separable and disinguishable from interstate or foreign commerce, and then only when such employer and any of his workmen working only in this State, with the approval of the board and as far as not forbidden by any act of Congress, voluntarily accept the provisions of this Act by filing written acceptances, which, when filed with and approved by the board, shall subject the acceptors irrevocably to the provisions of this Act to all intents and purposes as if they had been originally included in its terms, during the period or periods for which the premiums herein provided have been paid. Payment of premiums shall be on

the basis of the pay roll of the workmen who accept, as aforesaid.

§ 60. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employes in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the workmen's compensation board upon blanks to be procured from the board for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employe, and shall state the time, the nature and cause of injury and such other pertinent information as may be required by the board. Any employer who refuses or neglects to to make any report required by this section, shall be punished by a fine of not more than $500.00 for each offense. An injured employe, if he is able so to do, and the attending physician, whether the injury results in the death of such employe or not, and within one week from the time of such injury or death, shall give written notice to the employer and the board of such injury, stating the nature and extent thereof, the time and place of its occurrence, the name, address, and occupation of such injured employe, and the names and addresses of the person present at the time of the injury, so far as such names and addresses are known, or can be obtained. Any employes or physician failing or refusing to make report as by this section required, shall be punished by a fine not exceeding $25.00. And the board may in its discretion, if such injured employe, or his dependents are subsequently found to be entitled to any payments out of the compensation fund, deduct any amount, not exceeding said sum of $25.00 from the benefits payable hereunder, or from the amount that might otherwise be paid to said attending physician, should such physician fail to make such report.

§ 61. Upon the request of the board, the Attorney Gen-

eral, or under his directions, the County or Commonwealth's Attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this Act, or for the recovery of any money due the workmen's compensation fund, or any penalty herein provided for, arising within the county in which he was elected and shall defend in like manner all suits, actions or proceedings brought against the board or the members thereof in their official capacity.

§ 62. All judgments contained in any action prosecuted by the board under the authority of this Act, shall have the same preference against the assets of the employer as it now or may be hereafter allowed by law on judgments rendered for claims for taxes.

§ 63. If any employer shall default in any payment required to be made by him to the workmen's compensation fund, the amount due by him shall be collected by civil action against him in the name of the board as plaintiff. Such actions may be brought either in the Franklin Circuit Court or in the circuit court in the county in which the defendant resides or has his principal place of business.

§ 64. Annually on or before the 15th day of December such board shall make a report to the Governor for the preceding fiscal year, which shall include a statement of the number of awards made by it, a general statement of the cause of accident leading to the injuries for which the awards were made and detailed statement of the disbursements from the expense fund and the condition of its respective funds, together with any other information which the board deems proper to call to the attention of the Governor, including any recommendations it may have to make, and it shall be the duty of the board from time to time to publish and distribute among employers and employes such general information as to the business transacted by the department as in its judgment may be useful.

§ 65. The board shall cause to be printed in proper

form for distribution to the public, its classifications, rates, regulations and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such classifications, rates, rules, regulations and rules of procedure are printed ready for distribution to all who may apply for same, shall be sufficient publication of the same, as required by this Act.

§ 66. If any employer shall be adjudged to be outside the lawful scope of this Act, the Act shall not apply to him or his employes; or if the employe shall be adjudicated to be outside the lawful scope of this Act, because of the remoteness of his work from the hazard of his employer's work, such adjudication shall not impair the validity of this Act in other respects, and every such case as accounting, according with the justice of the case, shall be had of the moneys received. If the provisions of this Act for the creation of the fund or the provision of the Act authorizing employes to waive causes of action against employers for injuries received in the course of their employment and making the compensation to the employes and their beneficiaries provided in this Act exclusive of any other remedy on the part of the employe, shall be held invalid, the entire Act shall thereby be invalidated and an accounting according to the justice of the case shall be had of money received. In other respects an adjudication of the invalidity of any part of this Act shall not affect the validity of this Act as a whole or any part thereof.

§ 67. If a single establishment or works comprises several occupations listed in Section 16 in different risk classes the premiums shall be computed according to the pay roll of each occupation if the occupations are clearly separable; otherwise an average rate of premium shall be charged for the entire establishment taking into consideration the number of employes and the relative hazards of the employes in the several occupations.

§ 68. If the employe of an employer who has elected to

accept the provisions of this Act, is injured by the negligence or wrong of another person not in the same employment the injured employe, or if death resulted from the injury, his dependents, as the case may be, shall elect whether to take under act or seek a remedy against such other persons, such election to be in advance of instituting any suit; and, if he take under this Act, the cause of action against such other person shall be and is hereby assigned to the board for the benefit of the compensation fund; if the other choice is made, the compensation fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the amount of compensation provided by this Act for such case.

If such injury is due to the joint negligence of his employer and any other person not in the same employment, and the injured employe, or in case of death resulting from the injury, his dependents as the case may be shall have elected to take compensation under this Act, the causes of action against the other joint tort feasor shall be and is hereby assigned to the board for the benefit of the compensation fund.

Any cause of action, so assigned to the board, may be prosecuted or compromised, in the discretion of the board. Any compromise by the injured employe or his dependent, in case of death, of any such suit, which would leave a deficiency to be made good out of the compensation fund, shall be made only with the written approval of the board.

§ 69. This Act shall not affect any action pending or cause of action existing on the 31st day of December, 1914.

§ 70. A sum sufficient to carry out the provisions of this Act is hereby appropriated out of any money in the treasury not otherwise appropriated.

§ 71. Notwithstanding anything in this Act, any employer filing notice with the Workmen's Compensation Board of his intention so to do, and upon furnishing satisfactory proof to said board of his solvency and financial ability to

pay the compensation and benefits herein before provided, may make said payments direct to his employes as they may be entitled to receive same under the terms and conditions of this Act, and any employer electing to administer the compensation fund direct to his employes shall have the benefit of all the provisions of this Act as though said fund were paid into and administered by said board.

§ 72. Nothing in this Act shall prevent any employer carrying his own risk from insuring his liability in any liability company authorized to do business in this State, provided the amounts to be paid are not less than that provided in this Act.

§ 73. In case any employer carrying his own risk cannot agree with an employe on the payments as provided for in this Act, such employe shall have the right to submit his claim in writing within sixty days to the Workmen's Compensation Board, and it shall be the duty of the board to delegate one of its members to investigate said claim and endeavor under the provisions of this Act to reach a satisfactory settlement of the claim. In event the final action of the members of the board denies the right of the claimant to participate in the fund as provided in Section 53, then the claimant may proceed as provided in Section 53, and compensation, if awarded the claimant, shall be fixed as provided in Section 53, and in the event the employer feels that the award should not have been granted, he shall have the right of appeal to the circuit court and from the circuit court as in other cases.

§ 74. The application of this Act, as between employers and employe, shall date from and include the first day of January, 1913.

§ 75. Every employer subject to this Act who shall on or before November 1, 1914, elect not to pay into said workmen's compensation fund and receive the benefits hereof, shall on or before the first day of November, 1914, so notify the board in writing, and any such employer not so notify-

ing the board shall on or before January 1st, 1915, pay into the fund the premiums as provided in Section 28, hereof. Employers who elect to accept the benefits hereof, and pay into said workmen's compensation fund, may at the time fixed for making any such payment, withdraw from the benefits hereof, and hereafter be relieved from further payments, but notice of such withdrawal shall be served on the board and posted by written or printed notices in at least three conspicuous places about his plant. Such employer, may, however, at any time thereafter again elect to come under the provisions hereof by making payment of premium and posting notices as originally required. If any employes of an employer not entitled to the benefits hereof, or the dependents of such employe in case of his death, shall make application to the board for benefits hereunder, it shall be the duty of the board to at once notify such employe, or his dependents of the fact that such employer is not entitled to the benefits of this Act.

§ 76. Applications for benefits, hereunder, shall be made by the injured employe or his dependents, within one year from the time of the injury, and if not so made within said time, shall thereafter be barred and not allowed by the board.

Mr. Greene offered the following amendement to Mr. Meyers' substitute:

Amend H. B. 205, substitute, by adding the following at the end of substitute:

"That the provisions of this Act shall not be binding upon the employe himself or upon his personal representative, his widow and next of kin, in case of death or injury, except that any amount paid as compensation hereunder shall be credited upon any judgment that may be recovered in the courts of this State or the United States, for such injuries by the em-

ploye himself, his personal representative, widow or next of kin, in case of death. If any person, personal representative, widow or next of kin be not satisfied with the compensation awarded for such injury or death, they shall have the right to litigate such matter in the courts of this State or the United States, and the provision of this Act shall not bar a recovery except any judgment recovered for injury or death shall be credited by the amount of compensation awarded and paid to such employe himself, personal representative, widow or next of kin in case of death."

Said amendment was disagred to.

Mr. Pumphrey offered the following amendment to the substitute proposed by Mr. Meyers:

Amend substitute offered by the gentleman from the eigthty-second district, to House Bill 205, by adding the following at the end of said bill:

This law shall not apply in counties having cities of the fifth, fourth, and third classes.

Said amendment was disagreed to.

The question being taken on the adoption of the amendment proposed by Mr. Meyers, by way of substitute for the substitute proposed by said committee, H. B. 205 and all pending amendments, and the yeas and nays being required thereon by Messrs. Klette and H. J. Meyers, were as follows:

Those who voted in the affirmative were—

Peter Ampler	Joseph Boitnott	George T. Davis
Jas. W. Barrall	Glover H. Cary	James R. Dorman
Geo. B. Barrett	Ed. F. Cecil	John C. Duffy

M. J. Farris, Jr.	John H. Klette	S. M. Saufley
W. N. Flippin	William J. Kuh	A. W. Sharp
Ed. Frost	J. C. Lay	W. A. Shawler
C. M. Gum	C. R. Luker	Adam Spahn
J. B. Harvey	Geo. M. McDowell	Louis Tieman
Dr. S. L. Henry	Harry J. Meyers	W. M. Webb
John A. Judy	W. A. Price	Roy S. Wilson

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Those who voted in the negative were—

Harry Avery	H. H. Harrington	A. J. Oliver
Elmer L. Brown	H. H. Hays	A. W. Palmer
A. T. Bryson	D. H. Hillman	Lyman J. Parrigin
J. G. Coke, Jr.	J. J. Huff	William A. Perry
Benj. L. Cox	R.B.Hutchcraft,Jr.	John A. Polin
John W. Douglas	J. M. Johnson	Dr. T. J. Poteet
John Drescher	T. R. Jones	J. D. Pumphrey
H. C. Duffy	Griffin Kelly	Richard Radcliffe
William Duffy	Simon B. Lott	Dr. W. R. Ray
G. P. Durrett	Dr.J.N.M'Cormack	Stanley F. Reed
Thomas J. Evans	W. T. McNally	W. E. Rogers
Vert C. Fraser	John G. Miller, Jr.	Ed. D. Stone
Frank C. Greene	T. T. Mobley	W. T. Stott
E. V. Hall	J. R. Mount	Matt. S. Walton,Jr.
Elwood Hamilton	Zach L. Myers	James T. Webb
W. L. Hampton	John E. Newman	J. D. Wills
V. D. Hammond	S. Mazyck O'Brien	M. O. Wilson

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And so said substitute was disagreed to.

The question being taken on the adoption of the substitute, proposed by the Committee on Compensation for Industrial Injuries, as amended, and the yeas and nays being required thereon by Messrs. Walton and W. M. Duffy, were as follows:

Those who voted in the affirmative were—

Harry Avery	J. M. Johnson	Stanley F. Reed
Elmer L. Brown	John A. Judy	S. H. Rogers
James R. Dorman	Simon B. Lott	S. M. Saufley
John Drescher	Dr.J.N.M'Cormack	W. A. Shawler
William Duffy	W. T. McNally	Ed. D. Stone
M. J. Farris, Jr.	T. T. Mobley	Matt.S. Walton,Jr.
E. V. Hall	J. R. Mount	James T. Webb
D. H. Hillman	John E. Newman	W. M. Webb
J. J. Huff	S. Mazyck O'Brien	M. O. Wilson
R.B.Hutchcraft,Jr.	William A. Perry	—29

Those who voted in the negative were—

Peter Ampler	C. M. Gum	A. J. Oliver
Joseph Boitnott	Elwood Hamilton	A. W. Palmer
A. T. Bryson	W. L. Hampton	Lyman J. Parrigin
Glover H. Cary	V. D. Hammond	Lilburn Phelps
Ed. F. Cecil	H. H. Harrington	John A. Polin
J. G. Coke, Jr.	J. B. Harvey	Dr. T. J. Poteet
Benj. L. Cox	H. H. Hays	J. D. Pumphrey
George T. Davis	W. E. Henninger	Richard Radcliffe
John W. Douglas	Dr. S. L. Henry	Dr. W. R. Ray
H. C. Duffy	T. R. Jones	W. E. Rogers
John C. Duffy	Griffin Kelly	B. T. Rountree
Odie Duncan	John H. Klette	A. W. Sharp
G. P. Durrett	William J. Kuh	W. T. Stott
Thomas J. Evans	C. R. Luker	Louis Tieman
W. N. Flippin	Geo. M. McDowell	J. D. Wills
Vert C. Fraser	John G. Miller, Jr.	Roy S. Wilson
Ed. Frost	Harry J. Meyers	
Frank C. Greene	Zach. L. Myers	—52

And so said substitute, as amend, was disagreed to.

Mr. Hamilton moved to table H. B. 205.

Said motion was agreed to.

The following pairs were presented to the clerk:

Whereas, M. O. Wilson is in favor of H. B. 35 and would vote for same if he were present, when it came to a vote, and whereas, A. J. Oliver is oposed to said bill and would vote against same if present when it came to a vote, they have agreed to pair on this bill until noon, Monday, March 9, 1914.

M. O. WILSON
A. J. OLIVER

Whereas, M. O. Wilson is in favor of S. B. 104 and would vote for same if he were present, when it came to a vote, and whereas, W. A. Perry is opposed to said bill and would vote against same if present, when it came to a vote, they have agreed to pair on this bill until noon, Monday, March 9, 1914.

M. O. WILSON
W. A. PERRY

Mr. McCormack moved that the Committee on Public Health, to which same had been recommitted with leave to report at any time, report a bill of the following title:

H. B. 387. An Act to amend Chapter 63 of the Kentucky Statutes, relating to the State Board of Health.

Said motion was agreed to.

The House took up for consideration said Bill 387.

Mr. Walton moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, MARCH 7, 1914.

The House was opened with prayer by the Rev. H. G. Turner, of the Methodist Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Tilford offered the following resolution:

Resolution for the benefit of the Sergeant-at-Arms of the House of Representatives.

Whereas, the Sergeant-at-Arms of the House of Representatives only receives the sum of five ($5.00) dollars per day for his services as such; and,

Whereas, it is sense of this House that he has, during this session, so conducted his office as to merit the approval of the House in a substantial manner; and,

Whereas, it is the sense of the House that he is entitled to more than the sum of five ($5.00) dollars per day for his efficient services; therefore,

Be it resolved by the House of Representatives of this Commonwealth:

That the said Sergeant-at-Arms is entitled to and shall receive the same pay per diem as the members of the House receive and that the Auditor of Public Accounts is directed to issue his warrant payable to the Sergeant-at-Arms, Oscar Vest, for a sum which will make his pay during the session equal to that of each of the members of the House and upon presentation to said Auditor of a certified copy of this resolution.

Mr. Tilford moved that the rules be suspended; that said resolution be placed on its passage.

Said motion was agreed to.

Mr. Hamilton offered the following amendment to said resolution:

Amend by inserting immediately after "Sergeant-at-Arms" the word "clerk" and "assistant clerk" and "enrolling clerk."

Said amendment was agreed to.

Mr. Walton offered the following amendment to said resolution:

Amend by adding: "The enrolling clerks and stenographers shall receive $10.00 per day."

Said amendment was disagreed to.

Mr. Harry J. Meyers offered the following amendment to said resolution:

Amend by adding after "Sergeant-at-Arms" "the Doorkeeper."

Said amendment was agreed to.

Mr. Hall moved to table the amendment offered by Mr. Walton.

The yeas and nays being required on said motion to table, by Messrs. Mount and Walton, were as follows:

Those who voted in the affirmative were—

Harry Avery	W. L. Hampton	Dr. W. R. Ray
Jas. W. Barrall	J. B. Harvey	B. T. Rountree
J. M. Billeter	H. H. Hays	A. W. Sharp
Ed. F. Cecil	Dr. S. L. Henry	W. A. Shawler
Benj. L. Cox	D. H. Hillman	Ed. D. Stone
H. C. Duffy	J. J. Huff	W. T. Stott
Odie Duncan	R.B.Hutchcraft,Jr.	Matt.S. Walton,Jr.
M. J. Farris, Jr.	J. M. Johnson	John F. White
Vert C. Fraser	C. R. Luker	N. B. White
C. M. Gum	Geo. M. McDowell	J. D. Wills
E. V. Hall	J. R. Mount	Douglas G. Wood
	W. A. Price	—34

Those who voted in the negative were—

Peter Ampler	Elwood Hamilton	John E. Newman
Geo. B. Barrett	V. D. Hammond	S. Mazyck O'Brien
Joseph Boitnot	H. H. Harrington	A. J. Oliver
Elmer L. Brown	W. E. Henninger	A. W. Palmer
C. W. Burton	T. R. Jones	Lilburn Phelps
Glover H. Cary	John A. Judy	William A. Perry
J. G. Coke, Jr.	Griffin Kelly	John A. Polin
George T. Davis	John H. Klette	Dr. T. J. Poteet
John W. Douglas	William J. Kuh	J. D. Pumphrey
John Drescher	J. C. Lay	W. E. Rogers
John C. Duffy	Dr.J.N.M'Cormack	Adam Spahn
G. P. Durrett	John McDyer	Louis Tieman
Thomas J. Evans	W. T. McNally	N. C. Tilford
Ed. Frost	John G. Miller, Jr.	James T. Webb
John F. Fryer	Harry J. Meyers	Roy S. Wilson
Frank C. Greene	Zach. L. Myers	—47

And so said motion to table was disagreed to.

The yeas and nays being taken on the adoption of said

resolution as amended, in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Peter Ampler	John A. Judy	Lyman J. Parrigin
Geo. B. Barrett	Griffin Kelly	Lilburn Phelps
Joseph Boitnot	John H. Klette	William A. Perry
Elmer L. Brown	William J. Kuh	John A. Polin
C. W. Burton	Dr. J. N. M'Cormack	J. D. Pumphrey
J. G. Coke, Jr.	John McDyer	W. E. Rogers
John W. Douglas	W. T. McNally	W. A. Shawler
G. P. Durrett	John G. Miller, Jr.	Adam Spahn
Thomas J. Evans	Harry J. Meyers	Louis Tieman
W. N. Flippin	Zach. L. Myers	N. C. Tilford
John F. Fryer	John E. Newman	John F. White
Frank C. Greene	S. Mazyck O'Brien	Roy S. Wilson
Elwood Hamilton	A. J. Oliver	—38

Those who voted in the negative were—

Harry Avery	W. L. Hampton	W. A. Price
Jas. W. Barrall	V. D. Hammond	Richard Radcliffe
J. M. Billeter	H. H. Harrington	Dr. W. R. Ray
Glover H. Cary	J. B. Harvey	Stanley F. Reed
Ed. F. Cecil	H. H. Hays	S. H. Rogers
Benj. L. Cox	W. E. Henninger	B. T. Rountree
George T. Davis	D. H. Hillman	S. M. Saufley
John Drescher	J. J. Huff	A. W. Sharp
H. C. Duffy	R. B. Hutchcraft, Jr.	Ed. D. Stone
John C. Duffy	J. M. Johnson	W. T. Stott
Odie Duncan	T. R. Jones	Matt. S. Walton, Jr.
M. J. Farris, Jr.	J. C. Lay	James T. Webb
Vert C. Fraser	C. R. Luker	N. B. White
Ed. Frost	J. R. Mount	J. D. Wills
C. M. Gum	A. W. Palmer	Douglas G. Wood
E. V. Hall	Dr. T. J. Poteet	—47

And so said resolution was disagreed to.

Mr. Hamilton offered the following joint resolution:

Resolution providing for furnishing Kentucky Directories.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding one dollar per copy, five hundred copies of the book entitled "Kentucky Directory, 1914," for the use of the Courts, State and County Officials and members of the General Assembly of Kentucky. The Libarian will furnish the members of the General Assembly and such officials as may be designated by the presiding officers of the respective Houses a copy of the same and will furnish the State officials with copies thereof and send a copy thereof to the clerk of the county court of each county of the State, to be kept in his office. The Librarian will furnish to the Librarian of each State and territory in the union a copy of said book in exchange for similar books from the said states and territories and a copy to the Librarian of Congress.

§ 2. It being necessary that the officials should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Ordered that said resolution lie on the Clerk's desk.

Mr. Duncan offered the following resolution:

Be it resolved by the House of Representatives, That Alvin Wells is empowered and authorized to act as page for this body without compensation from this hour until the time of adjournment today.

Said resolution was adopted.

The following pairs were presented to the Clerk:

To whom it may concern:

We, the undersigned, hereby agree to pair on the two following questions: Health Officer bill and Two Cent Fare bill, Mr. W. M. Webb for Health bill and against Two Cent or any Two and One-Half Cent bill and Mr. Lott the opposite from Mr. Webb, constitute this pair.

W. M. WEBB,
S. B. LOTT.

Witness: Harry Meyers.

This pair shall be in effect until Tuesday morning, March 10th.

The Clerk will note the pair by the undersigned on H. B. 387.

M. S. Walton—FOR.
W. E. Henninger—AGAINST.

To the Speaker of the House of Representatives:

The undersigned hereby announce a pair on all questions pertaining to S. B. 104, until Tuesday morning, March 10th.

GEO. B. BARRETT, 45th District.
W. M. WEBB.

March 7th, 1914.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 205. An Act to amend and re-enact Article 1,

Chapter 52, of the Kentucky Statutes, Edition of 1909, being Section 1833 to 1851, inclusive, entitled "Fiscal Courts," as amended by an Act entitled "An Act to amend Section 1850 of the Kentucky Statutes, Edition of 1909," being Chapter 116 of the Acts of 1910.

To Committee on Municipalities.

S. B. 39. An Act defining public roads, providing for their establishment, regulation, use and maintenance and creating the office of County Road Engineer and prescribing the duties thereof.

To Committee on Public Roads and Highways.

And that they had concurred in House amendments adopted to S. B. 84.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill of the following title, viz.:

H. B. 275. An Act to amend Sections one, two, four, five, six and thirteen of Chapter 5 of the Acts of 1912, entitled "An Act relating to fire, lightning, hail, windstorm and sprinkler leakage insurance, and to regulate and control the rates of premium thereon and creating a State Insurance Board and defining the powers and duties of said board," and to further amend said Act by enacting subsection 2a, providing that certain insurance companies, their agents and representatives, shall furnish the State Insurance Board certain data in their possession affecting insurance risks and rates thereon and fixing a penalty for its violation.

Whereupon all other business was suspended; said bill

was read at length and compared in open House and was found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives, in open session, in the presence of the House, affixed his signature to said bill.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill which originated in the House, to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bill, which originated in the House, and which has been signed by the presiding officers of the House and Senate, to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 40. An Act to regulate the making, drawing, uttering or delivering of checks, drafts or other orders for the payment of moneys and fixing the penalty for the violation thereof.

H. B. 206. An Act prohibiting the shipment of liquors for sale in local option territory and prohibiting persons from having in possession for sale, liquors in such territory.

Whereupon all other business was suspended, said bills

were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 145. An Act amending Section 965 of the Kentucky Statutes, Carroll's Edtion, 1909, changing the time of holding circuit courts in the twenty-ninth judicial district of Casey County.

S. B. 164. An Act to impose further duties upon the State and County and City Boards of Health, physicians and others in regard to prevention of blindness in this Commonwealth.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Saufley, of the Committee on Appropriations:

S. Res. 8. A resolution for the payment of the widow of the late Special Judge, Wm. Carnes, of the Breathitt Circuit Court.

By same:

H. B. 596. An Act to provide for the payment of the sum of $253.80 to A. E. Barrett, of Pike County, Kentucky, for teaching.

By Mr. Tieman, of the Committee on Cities of the Fourth Class:

H. B. 226. An Act to repeal Chapter 89, subdivision 11, the same being Sections 3588 to 3606, inclusive, Kentucky Statutes, Carroll's Edition of 1909, relating to public schools in cities of the fourth class, and to enact in lieu thereof a model school law applicable to all cities of the fourth class.

Without expression of opinion.

By Mr. W. E. Rogers, of the Committee on Cities of the Fifth and Sixth Class:

H. B. 497. An Act to amend an Act entitled, "An Act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes, Carroll's Edition."

With an amendment thereto.

By same:

H. B. 609. An Act to repeal the charter of the town of Summersville, Green County, Kentucky.

By same:

H. B. 603. An Act to repeal the charter of the town of Flat Gap in Johnson County.

By Mr. Boitnott, of the Committee on Confederate Homes:

An Act to repeal and re-enact an Act entitled "An Act granting pensions to indigent and disabled Confederate soldiers," which Act became a law March 11, 1912.

By Mr. Evans, of the Committee on Insurance, Fire and Marine:

S. B. 179. An Act to amend Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

By same:

H. B. 601. An Act to amend Section 747, Subdivision 8, Chapter 32 of the Kentucky Statutes, relating to the salary of Insurance Commissioner, deputy and clerks.

By same:

H. B. 608. An Act to amend and re-enact Section 700 of the Kentucky Statutes.

By same:

H. B. 571. An Act to amend Section 633 of Kentucky Statutes.

By same (originated by Committee on Insurance, Fire and Marine):

H. B. 627. An Act to amend Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a

Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

By Mr. Brown, of the Common on Interurban and City Railways:

H. B. 526. An Act to repeal an Act entitled "An Act to incorporate the South Covington & Cincinnati Ry. Co."

By Mr. J. T. Webb, of the Committee on Judiciary:

H. B. 614. An Act to prevent lobbying with jurors and witnesses and punish lobbyists and other corruptionists.

By same:

An Act to reduce the salary of special judges from $1,200.00 to $600.00 per year.

By Mr. S. H. Rogers, of the Committee on Mines and Mining (originated in the Committee on Mines and Mining):

H. B. 628. An Act to amend an Act entitled "An Act to provide for the appointment of two additional inspectors of coal mines; and to provide for the examination of applicants for certificates of qualification to serve as foreman in coal mines and require that only persons possessing such certificates of qualification or possessing service certificates shall be employed as such foreman; and to require the employment of special shot-firers in coal mines wherein explosive gases or coal dust generate or exist in dangerous quantities

and to otherwise provide for greater protection to the lives and health of persons employed in the coal mines of this State," which Act became a law March 20, 1908.

By Mr. Davis, of the Committee on Equal Suffrage (originated in the Committee on Equal Suffrage):

H. B. 629. An Act to repeal an Act entitled "An Act qualifying and enabling women to vote for the election of school trustees and other school officers chosen by the people except such officers as women may be disqualified from voting for by the Constitution, and upon school measures or questions submitted to a vote of the people and to hold common school offices, except such offices as women are disqualified from holding by the Constitution."

Without expression of opinion.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration a bill entitled:

H. B. 387. An Act to amend Chapter 63 of the Kentucky Statutes, relating to the State Board of Health.

Said bill reads as follows:

Whereas, Accurate official returns from every county in Kentucky for the three years the vital statistics law has been in operation show a steady average of 47 per cent. of death each month in each year from diseases which can and ought to be prevented, more than half of these middle-aged or young people, in or just approaching the most productive period of life—many of them young mothers and fathers; and,

Whereas, These deaths, and the corresponding sick rate from the same classes of diseases, levy a wholly unnecessary annual tax upon the people, more than double that paid into the municipal, county and State treasuries, all of which must go on until well trained health officers are provided for every county or section, who can give up the practice of medicine and give their entire time to bringing the health and life-saving knowledge daily developed in our excellent health laboratories to the homes of the people; and

Whereas, This can be easily and inexpensively done by gradually consolidating all the medical offices in all but a few of the most densely populated counties as soon as the terms of the present incumbents expire; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2053, Chapter 63, of the Kentucky Statutes, relating to the State Board of Health, be and the same is hereby repealed, and that Sections 2055 and 2058 of said chapter be amended by striking out all of said sections and inserting in lieu thereof such words that said sections when so amended shall read as follows:

Section 2055. It shall be the duty of the State Board of Health to appoint three intelligent and discreet licensed and practicing physicians residing in each county of this State, who, together with the county judge and county attorney, acting ex-officio, shall constitute a local board of health for the respective counties in which they reside, and such persons as members of the local board of health shall hold their office for a term of four years from the date of their election or appointment, and until their successors are elected or appointed, and such local boards are empowered and it shall be their duty to inaugurate and execute and to require heads of families and corporations to execute such sanitary regulations as the local boards or the county health officers may consider necessary and expedient to prevent the out-

break and spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria, tuberculosis, typhoid fever, trachoma, hookworm and other epidemic or communicable diseases, and to this end may bring the infected population under prompt and proper treatment during premonitory or other stages of the disease, and they or the county health officer acting under regulations approved by them, are empowered to go upon and inspect any premises which they may believe are in an unclean or infectious condition, and they shall be empowered to fix and determine the location of hospitals for the county for the isolation and safe treatment of persons sick of such diseases, sufficiently remote from human habitations and public highways as in its judgment is safe, and are authorized and shall have power to enforce the regulations adopted by the State Board of Health, including regulations for the medical inspection of schools and for the condemnation of school houses which are in such condition as to be dangerous to health and life, and any person who shall fail or refuse, after written notice from the local or State board, to observe or obey such written request shall be fined not less than ten or more than one hundred dollars for each day he so fails or neglects, and it shall be the duty of all physicians practicing their profession in any county in which a local board is organized to report all or any of the above diseases under their treatment to such local board or its health officer; and it shall likewise be the duty of heads of families to report any of said diseases known by them to exist in their respective families, to which a physician has not been called, to such local board, or some member thereof, within twenty-four hours from his or her knowledge of the existence of the disease in the family; and such local board, through the county health officer, shall make report to the State Board of Health, at least once in every three months, of the character of such diseases prevailing in the county, the number of the afflicted and of those exposed to the infection, the action taken to

prevent the spread of such diseases and the results of such action, and the cost to the county or people of such outbreak; and the local board shall also make such special reports as it may find expedient, or when requested to do so by the State Board of Health, for the protection of health and life. The members of the local board of health shall receive no compensation for their services, and any one of the appointive members may, after due notice and opportunity for hearing, be removed from office for failure to efficiently perform his duties, and the vacancy filled by the State Board of Health. The local board of health, at the first meeting after their appointment and taking the oath of office, shall, upon a standard of requirements fixed by the State Board of Health, elect a county health officer for a term of four years, who shall be its secretary and executive officer, who shall be a competent, licensed physician of special training and experience as to the unhealthful conditions and methods of living which produce disease. Except in the charitable and penal institutions of the county, he shall not practice medicine, but shall devote his entire time to the duties of his office. It shall be his duty to enforce the rules and regulations of the local and State boards of health, and the test of his efficiency shall be his activity and faithfulness in doing this, and in such instruction of the people and schools of the county in such better and healthier methods of living as will cut down the sick and death rate; and he may, after due notice and opportunity for hearing, be removed from office by a majority vote of the local board, for failure to efficiently perform his duties, or to practice economy in managing the affairs of his office. In all except counties containing cities of the first and second classes, after the term of existing city boards of health and health officers expire, except as hereinafter provided, each county shall constitute one health unit, with all its sanitary affairs in charge of the local board of health and its health officer, and, after the terms of office of the present incumbents expire, the county health offi-

cer shall also be the jail and almshouse physician of the county, and he shall be eligible to the office of coroner if elected to the position by the people. Under the regulations or special directions of the local or State Board of Health, or of ordinances of any city or town council of such county, the county health officer shall make monthly inspections of slaughter houses, markets and dairies, and regular inspections of schools, hotels, factories, court houses, theatres and picture shows, and other places of public assembly, especially as to ventilation, cleanliness, and sewage disposal, and of the sources of pollution of water supplies and other similar matters affecting health and life, and he and his assistants, to be hereinafter provided, shall receive annual salaries, to be fixed by the local board of health, and which shall be allowed and paid by the fiscal court of such county as are the salaries of other county officers, not to exceed a total amount equal to ten cents per capita for the population of the county. In order to enable him to better and more efficiently perform his duties, the county health officer may, subject to the approval of the county board of health, appoint one or more assistants, to act under his direction, in carrying out the provisions of this Act, at least one of whom may be a lay person skilled in disinfection and clean-up work and in caring for the sick, and he may remove such assistants and appoint others when necessary to better protect the health interests of the county. Upon the recommendation of the State Board of Health, and with the approval of the county boards of health of such counties, two or more small or sparsely settled counties may be combined into one health unit, or a small county may be joined to a large one, under one county health officer to be elected by the joint boards of such counties, in the interest of an effective and complete public health service.

Section 2058. It shall be the duty of the county and district attorney and Attorney General to prosecute any person who shall violate the health or medical laws; but if, for any

reason, they cannot or fail to do so, the State Board of Health shall have authority to employ special attorneys and inspectors to enforce these laws, and to pay for the same from the fees of students and applicants for license to practice medicine; but no part of the appropriation to the board from the State Treasury shall be used in making such payments.

§ 2. That this Act shall go into effect in accordance with the provisions of the Constitution, and that all Acts or provisions of Acts in conflict with the provisions of this Act be and are hereby repealed.

The Committee on Public Health offered the following amendment to said bill:

Amend by adding after the word "except," in line 63, Section 1, page 4, the words "in counties containing cities of the first and second classes, and."

Said amendment was agreed to.

The Committee on Public Health offered the following amendment to said bill:

Amend Section 1, of H. B. 387, by adding after the words "public health service" in line 21, Section 1, page 6, the words: "Provided, that the provisions of this section relating to the salary of county health officers shall not take effect until January 1, 1916, but previous to this time such health officers may be elected and take such a course or instruction in preventive medicine as will better enable them to protect the health and lives of the people."

Said amendment was agreed to.

Mr. Klette offered the following amendment to said bill:

Amend said bill after the word "health" in line 57 by inserting the words "in all counties except counties having cities of the first and second class."

Said amendment was agreed to.

Mr. Klette requested the unanimous consent of the House to withdraw said amendment.

Mr. Fraser offered the following amendment to said bill:

Amend Section 1, lines 89 and 90, by striking out the words "local board of health," and inserting in lieu thereof the words "fiscal court or such body as takes over the power of the fiscal court."

The yeas and nays being required by Messrs. Fraser and Greene on the adoption of said amendment were as follows:

Those who voted in the affirmative were—

Harry Avery	John F. Fryer	A. J. Oliver
Jas. W. Barrall	Frank C. Greene	J. D. Pumphrey
Joseph Boitnot	E. V. Hall	Richard Radcliffe
C. W. Burton	W. L. Hampton	B. T. Rountree
Glover H. Cary	H. H. Harrington	S. M. Saufley
Ed. F. Cecil	D. H. Hillman	W. A. Shawler
Benj. L. Cox	R.B.Hutchcraft,Jr.	Ed. D. Stone
George T. Davis	J. M. Johnson	W. T. Stott
John W. Douglas	T. R. Jones	N. C. Tilford
H. C. Duffy	Griffin Kelly	James T. Webb
Odie Duncan	J. C. Lay	N. B. White
G. P. Durrett	C. R. Luker	J. D. Wills
Thomas J. Evans	Geo. M. McDowell	Roy S. Wilson
M. J. Farris, Jr.	John G. Miller, Jr.	Douglas G. Wood
Vert C. Fraser	T. T. Mobley	

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Those who voted in the negative were—

Peter Ampler	J. J. Huff	Lilburn Phelps
Geo. B. Barrett	John H. Klette	William A. Perry
Elmer L. Brown	William J. Kuh	John A. Polin
J. G. Coke, Jr.	Dr.J.N.M'Cormack	Dr. T. J. Poteet
John Drescher	W. T. McNally	Dr. W. R. Ray
John C. Duffy	J. R. Mount	Stanley F. Reed
William Duffy	Harry J. Meyers	S. H. Rogers
C. M. Gum	Zach. L. Myers	W. E. Rogers
Elwood Hamilton	John E. Newman	A. W. Sharp
J. B. Harvey	S. Mazyck O'Brien	Adam Spahn
H. H. Hays	A. W. Palmer	Louis Tieman
Dr. S. L. Henry	Lyman J. Parrigin	—35

And so said amendment was adopted.

Mr. Farser moved that the session be extended until the matter under consideration was disposed of.

Mr. Pumphrey moved that the vote by which the amendment was adopted exempting cities of the first and second class be reconsidered.

Said motion was agreed to.

Mr. Harry J. Meyers moved that said bill and all pending amendments be tabled.

Said motion was agreed to.

The hour of adjournment having arrived, the House adjourned until Monday, March 9th, at 12 o'clock M.

MONDAY, MARCH 9, 1914.

The House was opened with prayer by the Rev. F. W. Eberhardt, of the First Baptist Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Hamilton moved that the session of today be extended indefinitely.

Said motion was agreed to.

The following bills were introduced, ordered printed and referred as follows:

By Mr. Barrall:

H. B. 630. An Act taxing bachelors and old maids, rewarding marriage, etc.

To Committee on Printing.

By Mr. Greene:

H. B. 631. An Act to amend Article 1, Section 567 of Chapter 32, Kentucky Statutes, Carroll's Edition 1909, entitled, "Corporations—Private."

To Committee on Corporate Institutions.

Mr. H. J. Meyers offered the following joint resolution:

Whereas, during the present session of the Legislature Mrs. Mary Stivers and Mrs. Myrtle Perry have performed extra service in keeping the Senate and House chambers in clean, comforatable and presentable condition; and

Whereas, they have been faithful in their work and have rendered valuable service to the General Assembly in this respect; and,

Whereas, they receive no compensation for this extra work from the State of Kentucky; therefore,

Be it resolved by the House of Representatives and Senate of the General Assembly:

That there is hereby appropriated out of the State Treasury, to be paid out of the contingent expenses of the General Assembly, the sum of one hundred dollars for the benefit of Mrs. Mary Stivers and Mrs. Myrtle Perry, and the Auditor of Public Accounts is directed to draw his warrant in favor of each of them for one-half of said amount, and the Treasurer is directed to pay same.

Ordered that said resolution be referred to the Committee on Appropriations.

Mr. Hamilton offered the following joint resolution:

Whereas, Sam Parrent, Ed Martin, Charles Glore, Charles Wells, Isaac Miller, William Henderson, Newton Jesse, Marshall McGee and William Venable, the floor men in the new State Capitol, have been required to do a large amount of extra work during the present session of the General Assembly; and

Whereas, there is no provision of law whereby they can receive any compensation for the extra work so done by them; and

Whereas, their services have been of much value to the General Assembly in keeping the House Chamber and the Senate Chamber in proper condition; now, therefore,

Be it resolved by the Senate and House of Representatives of the General Assembly of Kentucky: That the sum of two hundred and fifty dollars is hereby appropriated out of the State Treasury to pay said named persons for said work, and the Auditor of Public Accounts is directed to draw his warrant in favor of each of said parties for one-ninth of the amount, and the Treasurer is directed to pay same.

Ordered that said resolution be referred to the Committee on Appropriations.

Mr. Greene offered the following resolution:

Whereas, practically all the legislation of the General Assembly will be passed within the next seven legislative days; and,

Whereas, it will necessitate the employment of additional aid by the Enrolling Clerk of the House in order to expedite the business; now, therefore,

Be it resolved by the House of Representatives: That the Enrolling Clerk of the House is authorized and directed to employ all necessary assistants, who shall be entitled to twenty-five cents per page for all bills enrolled by them, and the Clerk of the House is directed to issue his voucher to the Auditor of Public Accounts, who shall draw his warrant in her favor, for amount certified by her to the clerk; said amount shall not include any charge by either the enrolling clerk or the assistant enrolling clerk for any work done by them.

The yeas and nays being taken on the adoption of said resolution, were as follows:

Those who voted in the affirmative were—

Peter Ampler	J. B. Harvey	William A. Perry
Harry Avery	H. H. Hays	John A. Polin
Henry C. Blades	Dr. S. L. Henry	W. A. Price
Joseph Boitnott	D. H. Hillman	J. D. Pumphrey
Elmer L. Brown	R.B.Hutchcraft,Jr.	Stanley F. Reed
Ed. F. Cecil	J. M. Johnson	S. H. Rogers
J. G. Coke, Jr.	T. R. Jones	W. E. Rogers
Benj. L. Cox	John A. Judy	S. M. Saufley
George T. Davis	John H. Klette	A. W. Sharp
John W. Douglas	William J. Kuh	W. A. Shawler
John Drescher	Simon B. Lott	Adam Spahn
William Duffy	Dr.J.N.M'Cormack	Ed. D. Stone
G. P. Durrett	Geo. M. McDowell	W. T. Stott
Vert C. Fraser	T. T. Mobley	N. C. Tilford
Ed. Frost	Harry J. Meyers	Matt.S. Walton,Jr.
John F. Fryer	Zach. L. Myers	James T. Webb
Frank C. Greene	John E. Newman	John F. White
Elwood Hamilton	S. Mazyck O'Brien	M. O. Wilson
W. L. Hampton	A. W. Palmer	Roy S. Wilson
V. D. Hammond	Lyman J. Parrigin	
H. H. Harrington	Lilburn Phelps	—61

Those who voted in the negative were—

Glover H. Cary	J. D. Wills	Douglas G. Wood

—3

And so said resolution was agreed to.

Mr. Walton offered the following resolution:

Whereas, Dr. Thos. C. Holloway, formerly Major in the Mexican Corps of the Kentucky State Guard, did, from September 22nd to October 29th, 1910, pursuant to the instructions of Col. J. Embry Allen, Colonel commanding the Second Kentucky Infantry, attend William Bailey and Charles

Hall, privates in said regiment, who contracted an illness during the State encampment and were necessarily removed to the hospital at Lexington; and,

Whereas, in the opinion of the Governor of this Commonwealth, to whom said claim was submitted for approval, there was no authority of law permitting the payment to Dr. Holloway of his fee for services to the private soldiers when not on duty; and,

Whereas, it is just and right that the Commonwealth of Kentucky should have given to its militiamen the necessary medical attention during an illness contracted while in the service of the State at its State encampment; and

Whereas, it is proper that the physician rendering service to said militiamen should be paid for his services; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That Thos. C. Holloway is authorized and permitted to file suit in the Franklin Circuit Court for the balance due him on account of medical attendance and service rendered to William Bailey and Charles Hall, from September 22nd to October 29th, 1910, not exceeding the sum of $87.50, with interest thereon from October 29th, 1910, until paid.

Ordered that said resolution lie on the Clerk's desk.

Mr. Hamilton called up for consideration from the Clerk's desk, a resolution of the following title:

H. Res. 30. Resolution appropriating $131.83 to be paid the State Journal Company for printing 5,000 copies of Tax Commission Reports.

The yeas and nays being taken on the adoption of said resolution, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. L. Hampton	A. W. Palmer
Harry Avery	V. D. Hammond	Lyman J. Parrigin
Wallace Bailey	H. H. Harrington	William A. Perry
J. M. Billeter	J. B. Harvey	John A. Polin
Joseph Boitnott	H. H. Hays	W. A. Price
Elmer L. Brown	Dr. S. L. Henry	J. D. Pumphrey
Glover H. Cary	D. H. Hillman	Richard Radcliffe
Ed. F. Cecil	J. J. Huff	Dr. W. R. Ray
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Stanley F. Reed
Benj. L. Cox	J. M. Johnson	S. H. Rogers
George T. Davis	T. R. Jones	A. W. Sharp
James R. Dorman	John A. Judy	W. A. Shawler
John W. Douglas	John H. Klette	Adam Spahn
John Drescher	William J. Kuh	W. T. Stott
H. C. Duffy	Simon B. Lott	Louis Tieman
John C. Duffy	Geo. M. McDowell	N. C. Tilford
William Duffy	W. T. McNally	Matt. S. Walton,Jr.
G. P. Durrett	T. T. Mobley	James T. Webb
Vert C. Fraser	J. R. Mount	John F. White
Ed. Frost	Harry J. Meyers	N. B. White
John F. Fryer	Zach. L. Myers	J. D. Wills
Frank C. Greene	John E. Newman	Roy S. Wilson
C. M. Gum	S. Mazyck O'Brien	
E. V. Hall	A. J. Oliver	—70

And so said resolution was adopted.

By the unanimous consent of the House, Mr. Hamilton was excused from voting on said resolution.

(For said resolution see Journal, March 2nd.)

Mr. Klette called up for consideration from the Clerk's desk a resolution of the following title:

H. Res. 32. Resolution for the benefit of Judge John T. Hodge, of Newport, Campbell County, Kentucky.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Peter Ampler	W. L. Hampton	John E. Newman
Harry Avery	V. D. Hammond	S. Mazyck O'Brien
Wallace Bailey	H. H. Harrington	A. J. Oliver
Elmer L. Brown	J. B. Harvey	Lyman J. Parrigin
Glover H. Cary	H. H. Hays	Lilburn Phelps
Ed. F. Cecil	Dr. S. L. Henry	William A. Perry
J. G. Coke, Jr.	D. H. Hillman	John A. Polin
Benj. L. Cox	J. J. Huff	W. A. Price
George T. Davis	R.B.Hutchcraft,Jr.	J. D. Pumphrey
James R. Dorman	T. R. Jones	Richard Radcliffe
John W. Douglas	John A. Judy	W. E. Rogers
John Drescher	John H. Klette	S. M. Saufley
John C. Duffy	William J. Kuh	W. A. Shawler
William Duffy	Simon B. Lott	Adam Spahn
G. P. Durrett	John G. Miller, Jr.	W. T. Stott
Ed. Frost	T. T. Mobley	Louis Tieman
John F. Fryer	J. R. Mount	N. C. Tilford
Frank C. Greene	Harry J. Meyers	Matt. S. Walton,Jr.
Elwood Hamilton	Zach. L. Myers	James T. Webb

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And so said resolution was adopted.

Mr. Klette moved that the vote by which said resolution was adopted be reconsidered and said motion lie on the table.

Said motion was agreed to.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House of the following title:

H. B. 275. An Act to amend Sections one, two, four, five, six and thirteen of Chapter five of the Acts of one thousand nine hundred and twelve, entitled "An Act relating to fire, lightning, hail, windstorm and sprinkler leakage insurance, and to regulate and control the rates of premium thereon, and creating a State Insurance Board and defining the powers and duties of said board;" and to further amend said Act by enacting sub-section 2a, providing that certain insurance companies, their agents and representatives, shall furnish the State Insurance Board certain data in their possession affecting insurance risks and rates thereon and fixing a penalty for the violation.

A message was received from the Senate announcing that they had passed bills originating in that body of the following titles:

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory, and the Kentucky Penitentiary at Eddyville, Kentucky, for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky Penitentiary and declaring the lands so leased public works of the Commonwealth of Kentucky.

To the Committee on State Prisons and Houses of Reform.

S. B. 270. An Act requiring tobacco warehousemen handling loose leaf tobacco to post on their premises the

number of pounds and the average price thereof of each day's sales and prescribing penalties.

To Committee on Commerce and Manufacturing.

S. B. 313. An Act changing the name of Capitol Square Policeman to Executive Marshal.

To Committee on State Capitol.

S. B. 94. An Act to further regulate the admission of inmates to the House of Reform.

To Committee on State Prisons and Houses of Reform.

A message was received from the Senate announcing that they had passed a bill originating in the House of the following title:

H. B. 494. An Act to amend and re-enact Article 1, Chapter 52 of the Kentucky Statutes, Edition of 1909, being Sections 1833 to 1851 inclusive, entitled "Fiscal Courts," as amended by an Act entitled "An Act to amend Section 1850 of the Kentucky Statutes, edition of 1909," being Chapter 116 of Acts of 1910.

That they had passed a bill and concurred in joint resolution which originated in the House of Representatives of the following titles:

H. B. 183. An Act relating to the establishment, protecting and building of levees for the public benefit.

H. Res. 20. Joint resolution petitioning Congress to enact a law permitting the growers of tobacco to twist the

tobacco of their own raising and sell same free of any tax or license.

With an amendment to the last named bill and resolution.

The House took up for consideration a bill entitled:

H. B. 183. An Act relating to the establishment, protecting and building of levees for the public benefit.

Together with an amendment proposed thereto by the Senate.

(For said bill see House Journal of February 17th.)

The amendment proposed thereto by the Senate is as follows:

Amend Section 25 by striking out all of lines 8 and 9 and inserting in lieu thereof the following:

"This Act shall apply only to the construction, reconstruction, enlargement and repairing of levees wihch have or may receive Government aid."

Said amendment was concurred in.

Said bill, as amended, was then finally passed.

The yeas and nays being taken on the final passage of said bill, in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Peter Ampler	V. D. Hammond	Lilburn Phelps
Harry Avery	H. H. Harrington	William A. Perry
Wallace Bailey	J. B. Harvey	John A. Polin
Jas. W. Barrall	H. H. Hays	W. A. Price
J. M. Billeter	Dr. S. L. Henry	J. D. Pumphrey
Joseph Boitnott	D. H. Hillman	Richard Radcliffe
Elmer L. Brown	J. J. Huff	Dr. W. R. Ray
Glover H. Cary	R.B.Hutchcraft,Jr.	Stanley F. Reed
J. G. Coke, Jr.	J. M. Johnson	S. H. Rogers
Benj. L. Cox	T. R. Jones	B. T. Rountree
George T. Davis	John A. Judy	A. W. Sharp
James R. Dorman	Griffin Kelly	W. A. Shawler
John W. Douglas	John H. Klette	L. M. Smith
John Drescher	Simon B. Lott	Ed. D. Stone
William Duffy	Geo. M. McDowell	W. T. Stott
G. P. Durrett	W. T. McNally	Louis Tieman
M. J. Farris, Jr.	T. T. Mobley	N. C. Tilford
Vert C. Fraser	J. R. Mount	Matt.S. Walton,Jr.
John F. Fryer	Harry J. Meyers	James T. Webb
Frank C. Greene	Zach. L. Myers	John F. White
C. M. Gum	John E. Newman	N. B. White
E. V. Hall	A. J. Oliver	J. D. Wills
Elwood Hamilton	A. W. Palmer	Roy S. Wilson
W. L. Hampton	Lyman J. Parrigin	—71

The House took up for consideration a joint resolution of the following title:

Joint resolution petitioning Congress to enact a law permitting the growers of tobacco to twist the tobacco of their own raising and sell same free of any tax or license.

Together with an amendment proposed thereto by the Senate.

(For said resolution see House Journal of February 16th.)

The amendment proposed thereto by the Senate is as follows, viz.:

Amend by adding after the word "twist" and before the word "the," in line 17, the words "or make up."

Said amendment was concurred in.

Said resolution as amended was then finally adopted.

Mr. Cary moved to take from the table a bill entitled:

H. B. 387. An Act to amend Chapter 63 of the Kentucky Statutes, relating to the State Board of Health.

And all pending amendments thereto.

The yeas and nays being demanded on said motion to take from the table by Messrs. Greene and McCormack, were as follows:

Those who voted in the affirmative were —

Henry C. Blades	C. M. Gum	John H. Klette
Joseph Boitnott	E. V. Hall	William J. Kuh
Elmer L. Brown	Elwood Hamilton	Dr.J.N.M'Cormack
Glover H. Cary	V. D. Hammond	W. T. McNally
J. G. Coke, Jr.	J. B. Harvey	J. R. Mount
James R. Dorman	H. H. Hays	Harry J. Meyers
John Drescher	W. E. Henninger	Zach. L. Myers
John C. Duffy	Dr. S. L. Henry	John E. Newman
William Duffy	J. J. Huff	S. Mazyck O'Brien
Vert C. Fraser	J. M. Johnson	A. W. Palmer
Ed. Frost	T. R. Jones	Lilburn Phelps

William A. Perry	S. H. Rogers	Louis Tieman
John A. Polin	W. E. Rogers	James T. Webb
W. A. Price	L. M. Smith	John F. White
Dr. W. R. Ray	Adam Spahn	M. O. Wilson
Stanley F. Reed	W. T. Stott	—47

Those who voted in the negative were—

Jas. W. Barrall	H. H. Harrington	B. T. Rountree
Ed. F. Cecil	Griffin Kelly	W. A. Shawler
Benj. L. Cox	C. R. Luker	N. C. Tilford
H. C. Duffy	Geo. M. McDowell	Matt. S. Walton, Jr.
G. P. Durrett	John G. Miller, Jr.	N. B. White
John F. Fryer	T. T. Mobley	J. D. Wills
Frank C. Greene	A. J. Oliver	Douglas G. Wood
W. L. Hampton	J. D. Pumphrey	—23

And so said motion was agreed to.

(For said bill see House Journal of March 7th.)

And so said bill was taken from the table and placed upon its passage.

Mr. J. C. Duffy offered the following amendment to said bill:

Amend Section 1 by striking out the word "three," in line seven, and insert the word "two" in lieu thereof and by inserting between the word "state" and the word "who," in line 8, the following: "and the chief executive officer of the largest city or town in each county shall appoint one intelligent and discreet licensed and practicing physician residing in said county."

Said amendment was disagreed to.

Mr. Pumphrey offered the following amendment to said bill.

Amend by adding at the end of H. B. 387 the following: "This law shall not apply in counties having cities of the fourth and fifth classes."

Said amendment was disagreed to.

Mr. Jas. T. Webb offered the following amendment to said bill:

Amend H. B. 387 by beginning at the last word in line 91 and strike out the following words, viz.: "not to exceed a total amount equal to ten cents per capita for the population of the county," and insert in lieu thereof the following words: "Said salary shall not be less than six hundred dollars ($600) nor more than eighteen hundred ($1,800) dollars per annum in any county."

Said amendment was agreed to.

Mr. J. T. Webb offered the following amendment to said bill:

Amend H. B. 387 near the last of line 89, and strike out of said bill the following words, viz.: "to be fixed by the local board of health and which shall be allowed and paid by the Fiscal Court of such county," and in lieu thereof the following words: "to be fixed and allowed by the Fiscal Court of the county and to be paid as salaries of other county officers, except in counties having cities of the fourth class. Said salary shall be paid, seventy-five per cent by the county and twenty-five per cent by the city."

Said amendment was disagreed to.

Mr. J. T.Webb offered the following amendment to said bill:

Amend H. B. 387 by beginning near the middle of line 70, on page 5, after the word "county," and add the following words: "And in counties that have cities of the fourth class he shall also be city physician and act as such."

Said amendment was agreed to.

Mr. Shawler offered the following amendment to said bill:

Amend Section 2058, after the word "laws," in line 109, and inserting in lieu thereof "and if any such officer fail to perform his duty as herein required, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than $5.00 nor more than $20.00 in each case."

Said amendment was agreed to.

Mr. Lay offered the following amendment to said bill:

Amend H. B. 387, Section 1, line 7, by striking therefrom the word "three" and insert in lieu thereof the word "two." Amend line 9 by inserting after the words "county attorney", "County Court Clerk."

Said amendment was disagreed to.

Mr. Hamilton moved the previous question.

Said motion was agreed to.

Mr. Hutchcraft moved to reconsider the vote by which the previous question was ordered.

Said motion was agreed to.

Mr. Hutchcraft offered the following amendment to said bill:

Amend by striking out "in all except counties containing cities of the first and second class" in lines 72 and 73 of page 5.

Said amendment was agreed to.

Mr. Greene moved that said bill be recommitted to the Committee on Public Health; that the amendments thereto be printed.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Duffy	T. R. Jones	John E. Newman
C. M. Gum	John H. Klette	S. Mazyck O'Brien
E. V. Hall	William J. Kuh	A. W. Palmer
Elwood Hamilton	Dr. J. N. M'Cormack	Lilburn Phelps
V. D. Hammond	W. T. McNally	William A. Perry
J. B. Harvey	J. R. Mount	John A. Polin
Dr. S. L. Henry	Harry J. Meyers	W. A. Price
J. J. Huff	Zach L. Myers	Dr. W. R. Ray

Stanley F. Reed	L. M. Smith	Louis Tieman
W. E. Rogers	Adam Spahn	James T. Webb
A. W. Sharp	W. T. Stott	John F. White

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Those who voted in the negative were—

John W. Douglas	J. M. Johnson	S. H. Rogers
Vert C. Fraser	Griffin Kelly	B. T. Rountree
John F. Fryer	C. R. Luker	S. M. Saufley
Frank C. Greene	Geo. M. McDowell	Ed. D. Stone
W. L. Hampton	John G. Miller, Jr.	N. C. Tilford
H. H. Harrington	T. T. Mobley	N. B. White
H. H. Hays	A. J. Oliver	J. D. Wills
D. H. Hillman	J. D. Pumphrey	Roy S. Wilson
R.B.Hutchcraft,Jr.	Richard Radcliffe	Douglas G. Wood

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Resolved, That the title thereof be as aforesaid.

Mr. McCormack moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Greene moved that the rules be suspended; that the House take up for consideration a bill entitled:

S. B. 104. An Act to amend Chapter 81, Article 1, entitled "Liquors, Intoxicating," of Kentucky Statutes, Carroll's Edition 1909, by repealing Sections 2554 and 2557, and enacting other provisions in lieu thereof.

The yeas and nays being required on said motion to suspend the rules by Messrs. Greene and J. T. Webb, were as follows:

Those who voted in the affirmative were—

Joseph Boitnot	J. J. Huff	B. T. Rountree
Ed. F. Cecil	R.B.Hutchcraft,Jr.	S. M. Saufley
John C. Duffy	J. M. Johnson	A. W. Sharp
G. P. Durrett	T. R. Jones	W. A. Shawler
M. J. Farris, Jr.	Griffin Kelly	L. M. Smith
Vert C. Fraser	C. R. Luker	Ed. D. Stone
Frank C. Greene	Geo. M. McDowell	W. T. Stott
C. M. Gum	J. R. Mount	N. C. Tilford
E. V. Hall	A. J. Oliver	James T. Webb
W. L. Hampton	A. W. Palmer	N. B. White
V. D. Hammond	Lilburn Phelps	J. D. Wills
H. H. Harrington	J. D. Pumphrey	M. O. Wilson
H. H. Hays	Richard Radcliffe	Roy S. Wilson
W. E. Henninger	Dr. W. R. Ray	
Dr. S. L. Henry	W. E. Rogers	—43

Those who voted in the negative were—

Peter Ampler	Odie Duncan	Harry J. Meyers
Harry Avery	Ed. Frost	Zach. L. Myers
Jas. W. Barrall	John F. Fryer	John E. Newman
Henry C. Blades	Elwood Hamilton	S. Mazyck O'Brien
Elmer L. Brown	J. B. Harvey	Lyman J. Parrigin
Glover H. Cary	D. H. Hillman	William A. Perry
J. G. Coke, Jr.	John A. Judy	John A. Polin
Benj. L. Cox	John H. Klette	W. A. Price
George T. Davis	William J. Kuh	Stanley F. Reed
James R. Dorman	Simon B. Lott	Adam Spahn
John W. Douglas	Dr.J.N.M'Cormack	Louis Tieman
John Drescher	W. T. McNally	Matt.S. Walton,Jr.
H. C. Duffy	John G. Miller, Jr.	John F. White
William Duffy	T. T. Mobley	—41

And so said motion was disagreed to.

Mr. Hamilton moved that the House recess until 4:15

o'clock p. m.; that the Rules Committee consider said Senate Bill 104 and report on same.

Said motion was disagreed to.

Mr. Hamilton moved that the rules be suspended and that the House take up for consideration a bill entitled:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

Said motion was agreed to.

Mr. Hamilton moved that when this House recess at 5:00 p. m. it be to meet at 7:30 p. m.

Said motion was agreed to.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 27. An Act creating a State Text Book Commission, to adopt for use in the common schools of Kentucky a uniform series of text books, regulating the price thereof, defining the powers and duties of said Commission and the method of selection of such text books and their distribution, prescribing penalties for the violation of this Act and repealing Chapter 13 of the Acts of the General Assembly of 1910.

H. B. 134. An Act to punish the making or use of false statementes to obtain property or credit and making certain offenders personally liable.

H. B. 295. An Act to provide for uniform accounting and inspecting of public offices of this Commonwealth.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The House took up for consideration a bill entitled:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any corporation or company employed or engaged in the carriage of passengers upon any railroad or railroads between points in this State, to charge in excess of two cents (2c) per mile for the carriage of adult passengers where any passenger has purchased a ticket entitling him to carriage, or charge in excess of one cent (1c) per mile for the carriage of any passenger under twelve (12) years of age where such passenger has purchased a ticket entitling him to carriage; provided, that the charge in no case shall be less than five (5c) cents, and in determining the charge, fractions of less than one (1) mile shall be disregarded and all other fractions counted as one (1) mile; if any passenger shall have failed to purchase a ticket entitling him to carriage, a rate of three (3c) cents per mile may be charged and collected.

§ 2. Penalty: For any violation of the provisions of this act by any such corporation or company, its agent or employe, such corporation shall forfeit and pay to the State of Kentucky a penalty of not less than twenty (20), nor more than one hundred (100) dollars for each violation, to be recovered by suit brought in the name of the State of Kentucky by the State Attorney General in any court of competent jurisdiction in any county through which said corporation or company runs or passes, or by county attorney of any county through which said corporation or company runs or passes Where such penalty is recovered in a suit brought by a county attorney as provided by this act, there shall be recovered in addition thereto the sum of twelve ($12) dollars as compensation for said prosecuting attorney.

§ 3. All laws in conflict with this act are hereby repealed.

This act shall take effect from and after its passage.

The Committee on Railroads offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any common carrier earning as much or more than $2,500 per year per mile gross, from all sources on its said road, and engaged in the carriage of passengers upon a railroad or railroads, between points in this State, to charge in excess of two and one-half cents per mile for the carriage of an adult passenger, or in excess of one and one-fourth cents per mile for the carriage of a passenger between five and twelve years of age. Provided, That the minimum charge in no case shall be less than five cents, and in determining the charge, fractions of less than one-half mile shall be disregarded, and all other fractions counted as one mile: Provided, that where any passenger is given an opportunity, for thirty minutes continuously before the departure of any train, to secure a ticket entitling him to carriage, and fails to do so, then such carrier may charge and collect three cents per mile for the carriage of such passenger, and the minimum fare shall not be less than five cents, but upon the payment of cash fare at the rate of three cents per mile, the train conductor or collector to whom the payment is made, shall issue to the passenger a receipt for that part of the fare paid which is in excess of two and one-half cents per mile, and this receipt shall be redeemed with cash upon the presentation thereof at any ticket office of the carrier, at any time within six months after the issuance thereof. And provided further, that any person applying therefor, the said common carrier earning as much or more than twenty-five hundred dollars per year per mile gross, from all sources on its said road, shall issue to such person a mileage book of one thousand miles, or multiples thereof, at the price of two cents per mile, which mileage

book shall be inter-changeable with all other railroads of this Commonwealth earning a like amount.

§ 2. That each common carrier in this State which shall engage in the carriage of passengers by railroad between points in this State, shall receive and transport with each passenger tendering the same, the personal baggage of such passenger, not exceeding one hundred and fifty pounds for an adult and seventy-five (75) pounds for a minor less than twelve (12) years old, and such personal baggage shall be carried without compensation other than the passenger transportation charge. All baggage as defined by this Act in excess of the weights here specified is hereby declared to be excess baggage, and such carriers are required to carry such excess baggage with the passenger, as required by this Act. Provided further, that such carrier shall be required to carry baggage only on trains equipped with a baggage car.

§ 3. The samples, goods, wares, appliances and catalogues of commercial travelers or their employers, and used by them for the purpose of transacting their business, and carried with them solely for that purpose, when securely packed and locked in substantial trunks or sample cases of convenient shape and weight for handling, are hereby declared to be baggage within the meaning of this Act, and such carriers are required to transport the same with the passengers as required by this Act.

§ 4. No such carrier shall charge for the carriage of excess baggage as defined by this Act in excess of one cent (1) for each three (3) miles for each one hundred (100) pounds: Provided, That no charge for such excess shall be less than twenty-five (25) cents when the entire baggage is less than five hundred (500) pounds, or less than fifty (50) cents when the entire baggage is over five hundred (500) pounds, and in determining the rate, fractions of less than one mile shall be disregarded, and fractions of one-half mile or more shall be counted as one (1) mile.

§ 5. Any common carrier violating any provision or

requirement of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five (25) nor more than one hundred (100) dollars in any court of competent jurisdiction, in any county into or through which the line or lines of railroad of the offending company runs.

§ 6. In cases of loss or of damage to such samples, goods, wares, appliances or catalogues of any commercial traveler or his employer, the carrier shall not be liable for any greater proportion of the value thereof or the damages sustained thereto than the excess baggage fare paid by the passenger bears to the current rate of freight on such line for like articles in like packages between the same points.

§ 7. All acts or parts of Acts in conflict herewith are hereby repealed.

§ 8. This Act shall be in full force and effect from and after its passage.

Z. L. Myers—

Amend by adding to House Bill No. 35 an additional section, as follows:

Section 4. Each railroad company shall be allowed to charge and collect on trains from non-agency stations and from stations where no agent is on duty, a rate of three (3) cents per mile; and to provide reasonable rules or regulations requiring the exchange of mileage for tickets at any station where an agent is on duty.

John A. Judy—

"Provided, That the provisions of this Act shall not apply to any road paying less than 6 per cent dividend on its stock."

F. C. Greene—

Amendment to House Bill No. 35 by adding the following words:

"Provided, That this rate shall not apply to any branch line of railroad under fifty miles in length."

J. J. Huff—

Amend by adding after the word "collected," in Section one, line 13, of House Bill No. 35, the following:

"Provided, the rate of two cents as provided in the bill shall not apply to any of the following railroads, to-wit: L. & N., C. & O., Q. & C., L. & E., Sothern, or any other railroad now operated in this State or that may be constructed and operated within five years from this date."

E. V. Hall—

An amendment to House Bill No. 35.

Amend Section 1 by striking out of line 5 immediately after the word purchased "a ticket," and insert in lieu thereof "not less than 500 miles ticket."

Strike out of end of line 7 and the beginning of line 8 the words "a ticket," and insert in lieu thereof "not less than 500 miles ticket."

Beginning with the word "Provided," in line 8 of Section 1, and strike out all of remainder of said section, and insert in lieu thereof the following: "All companies or corporations operating railroad or railroads in this Commonwealth shall keep on sale in all offices where tickets are sold mileage books of 500 miles for the purpose of complying with this Act."

J. T. Webb—

Amend House Bill No. 35 by adding to Section 1 of said Act the following words: "But this Act shall not apply to independent lines that are not exceeding fifteen miles in length."

R. J. Radcliffe—

Amend by striking out the number 12 in parenthesis in line 11, Section 2, and inserting in lieu thereof the number 50.

Amend by striking out the figure 5 in parenthesis in line 9, Section 1, and inserting in lieu thereof the number 10.

Amend by inserting after the word (by) and before the word (county) in line 8, Section 2, "any Commonwealth's attorney or."

O. Duncan—

Amend House Bill No. 35 by inserting:

"Provided, That the provisions of this Act shall not apply to any common carrier whose capital stock is less than one hundred thousand dollars."

W. N. Flippin—

Amend House Bill No. 35 by adding after the words "or by county attorney," in line 8, the words "or Commonwealth attorney," and by adding after the word "attorney," in line 10, the words "or Commonwealth attorney."

Mr. Terrell offered the following amendment to said substitute:

Amend substitute to H. B. 35 by striking out of line 5, section 1, the words "and one-half" and the words "and one-fourth" in line 6.

The yeas and nays being required on the adoption of said amendment by Messrs. Terrell and Palmer were as follows:

Those who voted in the affirmative were—

Harry Avery	H. H. Hays	S. M. Saufley
Jas. W. Barrall	Dr. S. L. Henry	W. A. Shawler
Henry C. Blades	D. H. Hillman	L. M. Smith
Benj. L. Cox	T. R. Jones	Ed. D. Stone
George T. Davis	John H. Klette	W. T. Stott
H. C. Duffy	C. R. Luker	Louis Tieman
Odie Duncan	Geo. M. McDowell	James T. Webb
G. P. Durrett	John G. Miller, Jr.	J. D. Wills
Vert C. Fraser	T. T. Mobley	M. O. Wilson
Ed. Frost	J. R. Mount	Roy S. Wilson
Frank C. Greene	A. W. Palmer	Douglas G. Wood
W. L. Hampton	Richard Radcliffe	Claude B. Terrell
H. H. Harrington	Dr. W. R. Ray	—37

Those who voted in the negative were—

Peter Ampler	John F. Fryer	A. J. Oliver
Wallace Bailey	C. M. Gum	Lyman J. Parrigin
J. M. Billeter	E. V. Hall	Lilburn Phelps
Joseph Boitnott	V. D. Hammond	William A. Perry
Elmer L. Brown	J. B. Harvey	John A. Polin
A. T. Bryson	J. J. Huff	W. A. Price
C. W. Burton	R.B.Hutchcraft,Jr.	J. D. Pumprhey
Glover H. Cary	J. M. Johnson	Stanley F. Reed
Ed. F. Cecil	John A. Judy	S. H. Rogers
J. G. Coke, Jr.	Griffin Kelly	W. E. Rogers
James R. Dorman	William J. Kuh	A. W. Sharp
John W. Douglas	Dr.J.N.M'Cormack	Adam Spahn
John Drescher	W. T. McNally	N. C. Tilford
John C. Duffy	Harry J. Meyers	Matt.S. Walton,Jr.
William Duffy	Zach. L. Myers	John F. White
M. J. Farris, Jr.	John E. Newman	N. B. White
W. N. Flippin	S. Mazyck O'Brien	—50

And so said amendment was disagreed to.

Mr. Stone offered the following amendment to said substitute:

Amend substitute for H. B. 35 by adding Section 6 1-2, which section shall read as follows:

Sec. 6 1-2. Provided that this rate shall not apply to any line of railroad under thirty-five miles in length.

Said amendment was disagreed to.

Mr. Wm. Duffy offered the following amendment to said substitute:

Amend Section 1 by striking out "two thousand five hun-

dred dollars'' and inserting in lieu thereof ''two thousand dollars'' and by striking out after the word ''gross'' in the second line the following words, to-wit: ''from all sources on its said road, and engaged in the carriage of passengers upon a railroad or railroads, between points in this State, to charge.'' And in lieu thereof insert the following words: ''from the operation of passenger trains on any division or branch of its line in the State of Kentucky, to charge on such division or branch for travel between points in this State.''

Said amendment was disagreed to.

Mr. Pumphrey offered the following amendment to said substitute:

Amend Section 1 by striking out the word ''five,'' in line 8, and inserting in lieu thereof the word ''ten'' and by striking out the word ''five,'' in line fifteen, and inserting in lieu thereof the word ''ten.''

Said amendment was agreed to.

Mr. Pumphrey offered the following amendment to said sbstitute: ''Provided, That this Act shall not apply to any branch line of railroad under one hundred miles in length.''

Said amendment was disagreed to.

Mr. Judy offered the following amendment to said substitute:

Amend substitute H. B. 35 by adding to Section one thereof the following: ''Provided, That holders of such mileage books, when given an opportunity for thirty minutes continuously before the departure of any train, may be required to exchange such mileage for tickets, and in the event

of their failure to do so any carrier subject to this Act may be allowed to detach from such mileage books five miles more than the distance actually traveled."

By unanimous consent of the House, said amendment was withdrawn.

Mr. Judy offered the following amendment to said substitute:

Strike out from Section 2 thereof the following, beginning with the word "all," in line 8, all that part of said section down to and including the word "act," in line 11, and substitute therefor the following: "All weight in excess of the above to be charged for on a basis of 16 2-3 cents of the adult passenger fare per 100 lbs., and by striking out Section 4."

Said amendment was disagreed to.

Mr. Judy offered the following amendment to said substitute:

Strike out all of Section six and substitute therefor the following: "The provisions of this Act shall not apply to any independent or branch line of railroad under fifty miles in length, nor to any railroad within five years from the time when the construction thereof is completed."

Said amendment was disagreed to.

Mr. Judy offered the following amendment to said substitute: "Provided, that the provisions of this Act shall not apply to any railroads paying an annual dividend of less than six per cent on its capital stock."

Said amendment was disagreed to.

Mr. Judy offered the following amendment to said substitute:

Strike out all of Section 1 and substitute therefor the following:

Section 1. That it shall hereafter be unlawful for any common carrier earning as much or more than $4,000.00 per year per mile gross from all sources on its said road, and engaged in the carriage of passengers upon a railroad or railroads between points in this State, to charge in excess of two and one-half cents per mile for the carriage of an adult passenger. Passengers, however, over 5 years and under 12 years of age shall be charged one half of the adult fares; adding sufficient, when necessary, to make the fares end in 0 or 5. Provided, that the minimum charge in no case shall be less than 5 cents, and in determining the charge fractions of less than one-half mile shall be disregarded and all other fractions counted as one mile; and for an odd number of miles the carrier may charge as for the next highest even number of miles: Provided, that where any passenger is given an opportunity for thirty minutes continuously before the departure of any train, to secure a ticket entitling him to carriage, and fails to do so, then such carrier may charge and collect in addition to the regular ticket rates, the fixed sum of ten cents from all cash fare passengers: And provided further, that any person applying therefor, the said common carrier earning as much or more than twenty-five hundred dollars per year per mile gross, from all sources on its road, shall issue to such person a mileage book of one thousand miles, or multiples thereof, at the price of two cents per mile, which mileage book shall be interchangeable with all other railroads of the Commonwealth earning a like amount.

Said amendment was agreed to.

Mr. Newman offered the following amendment to said substitute:

Amend by striking out of line 2 the following: "$2,500 per year per mile gross" and insert in lieu thereof "$4,000, either on its main line or branches, per year per mile gross," and strike out of lines 23 and 24 "$2,500 per year per mile gross" and insert in lieu thereof "$4,000, either on its main line or branches, per year per mile gross."

Said amendment was agreed to.

Mr. Phelps offered the following amendment to said substitute:

Amend substitute to H. B. 35, by adding at the end thereof the following:

Section 8. Railroads now in course of construction, or hereafter constructed, shall be exempt from the operation of this Act for a period of ten years from the time that the first regular passenger service is established on such newly constructed road.

If this section should be held unconstitutional by the courts of this State, such holding shall not affect the rest of the Act, the intention of the Legislature being to enact this section separately.

Said amendment was disagreed to.

Mr. Pumphrey offered the following amendment to said substitute:

Amend substitute to H. B. 35 by striking from the bill

all the language from line 8 at the word "all" on page 3, to the word "mile," inclusive, in Section 4, line 9.

Said amendment was disagreed to.

Mr. Hutchcraft offered the following amendment to said substitute:

Amend substitute for H. B. 35 by adding at the end of Section 1 the following words: "Subject to such regulations as may be prescribed by the Railroad Commission to insure payment to the company honoring such mileage from the company issuing such mileage.

Said amendment was agreed to.

Mr. J. T. Webb moved the previous question.

Said motion was agreed to.

Mr. Carey moved that the session be extended until the matter under consideration is disposed of.

Said motion was agreed to.

Mr. J. C. Dffy moved that the vote by which the amendment proposed by Mr. Newman was adopted be reconsidered.

Said motion was disagreed to.

Mr. Judy moved to table said bill, substitute and all pending amendments.

The yeas and nays being required thereon by Messrs. Judy and Terrell were as follows:

Those who voted in the affirmative were—

Peter Ampler	M. J. Farris, Jr.	Harry J. Meyers
Wallace Bailey	John F. Fryer	Zach. L. Myers
J. M. Billeter	J. J. Huff	A. J. Oliver
A. T. Bryson	John A. Judy	J. D. Pumphrey
C. W. Burton	William J. Kuh	A. W. Sharp
John W. Douglas	C. R. Luker	N. C. Tilford
William Duffy	W. T. McNally	—20

Those who voted in the negative were—

Harry Avery	H. H. Harrington	W. A. Price
Jas. W. Barrall	J. B. Harvey	Richard Radcliffe
Henry C. Blades	H. H. Hays	Dr. W. R. Ray
Joseph Boitnott	W. E. Henninger	Stanley F. Reed
Elmer L. Brown	Dr. S. L. Henry	S. H. Rogers
Glover H. Cary	D. H. Hillman	W. E. Rogers
Ed. F. Cecil	R.B.Hutchcraft,Jr.	B. T. Rountree
J. G. Coke, Jr.	J. M. Johnson	S. M. Saufley
Benj. L. Cox	T. R. Jones	L. M. Smith
George T. Davis	Griffin Kelly	Ed. D. Stone
James R. Dorman	John H. Klette	W. T. Stott
John Drescher	Dr.J.N.M'Cormack	Louis Tieman
H. C. Duffy	Geo. M. McDowell	M. S. Walton, Jr.
John C. Duffy	John G. Miller, Jr.	James T. Webb
Odie Duncan	T. T. Mobley	John F. White
G. P. Durrett	J. R. Mount	N. B. White
W. N. Flippin	John E. Newman	J. D. Wills
Vert C. Fraser	S. Mazyck O'Brien	M. O. Wilson
Frank C. Greene	A. W. Palmer	Roy S. Wilson
E. V. Hall	Lilburn Phelps	Douglas G. Wood
W. L. Hampton	William A. Perry	Claude B. Terrell
V. D. Hammond	John A. Polin	—65

And so said motion to table was disagreed to.

Mr. J. C. Duffy moved to strike from the substitute to H. B. 35 the amendment offered by Mr. Newman.

Said motion was agreed to.

And so said amendment was stricken out of said substitute.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill being at length dispensed with, said bill was read the third time by its title and as amended by way of substitute as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Harry Avery	E. V. Hall	J. R. Mount
Jas. W. Barrall	Elwood Hamilton	John E. Newman
Henry C. Blades	W. L. Hampton	S. Mazyck O'Brien
Joseph Boitnott	V. D. Hammond	A. W. Palmer
Elmer L. Brown	H. H. Harrington	Lilburn Phelps
C. W. Burton	J. B. Harvey	William A. Perry
Glover H. Cary	H. H. Hays	John A. Polin
Ed. F. Cecil	W. E. Henninger	W. A. Price
J. G. Coke, Jr.	Dr. S. L. Henry	Richard Radcliffe
Benj. L. Cox	D. H. Hillman	Dr. W. R. Ray
George T. Davis	R.B.Hutchcraft,Jr.	Stanley F. Reed
John Drescher	J. M. Johnson	S. H. Rogers
H. C. Duffy	T. R. Jones	W. E. Rogers
John C. Duffy	Griffin Kelly	B. T. Rountree
William Duffy	John H. Klette	S. M. Saufley
Odie Duncan	Dr.J.N.M'Cormack	W. A. Shawler
G. P. Durrett	Geo. M. McDowell	L. M. Smith
W. N. Flippin	W. T. McNally	Ed. D. Stone
Vert C. Fraser	John G. Miller, Jr.	W. T. Stott
Ed. Frost	T. T. Mobley	Louis Tieman

M. S. Walton, Jr.	J. D. Wills	Douglas G. Wood
James T. Webb	M. O. Wilson	Claude B. Terrell
N. B. White	Roy S. Wilson	—68

Those who voted in the negative were—

Peter Ampler	John A. Judy	J. D. Pumphrey
Wallace Bailey	William J. Kuh	A. W. Sharp
J. M. Billeter	C. R. Luker	Adam Spahn
A. T. Bryson	Harry J. Meyers	N. C. Tilford
John W. Douglas	Zach. L. Myers	John F. White
John F. Fryer	A. J. Oliver	
J. J. Huff	Lyman J. Parrigin	—19

Resolved, That the title thereof be as aforesaid.

Mr. Klette moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body, of the following titles, viz.:

S. B. 29. An Act to conserve, protect and regulate the catching of mussel shells in the Ohio River within the border of Kentucky.

To the Committee on Judiciary.

S. B. 130. An Act to amend Section 3 of Chapter 72 of the Acts of 1910.

To the Committee on Kentucky Statutes.

And then the House adjourned.

TUESDAY, MARCH 10, 1914.

The House was opened with prayer by the Rev. F. W. Eberhardt, of the First Baptist Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The following bills were introduced, ordered printed and reforred as follows:

By Mr. Sharp:

H. B. 632. An Act to appropriate the sum of $25,000 to the Board of Control for the purpose of establishing a home for inebriates.

To Committee on Charitable Institutions.

By Mr. J. T. Webb:

H. B. 633. An Act to amend Chapter 113, Article 17, of Carroll's Kentucky Statutes of 1909—same being Acts of 1906, page 393, State Normal Schools—creating a State Normal School at Mayfield, Ky., and appropriating $50,000.00 for the purpose of equipping and maintaining the same.

To Committee on State University and Normal Schools.

The following communication was received from the Governor:

Frankfort, Kentucky, March 10, 1914.

To the Senate and House of Representatives of Kentucky:

I will have a reception at the Executive Mansion on Wednesday evening, the eleventh of March, from eight to eleven o'clock, and will be pleased to meet Senators, Representatives, State Officials, subordinates and all persons who will honor me with their presence.

JAMES B. MCCREARY,
Governor.

Mr. Speaker Terrell, from the floor of the House, moved that said invitation be accepted by a rising vote.

Said motion was agreed to.

Said invitation was accepted unanimously.

A message was received from the Governor announcing that he had approved and signed bills which originated in the House of the following titles:

H. B. 40. An Act to regulate the making, drawing, uttering or delivering of checks, drafts or other orders for the payment of moneys and fixing the penalty for the violation thereof.

H. B. 206. An Act prohibiting the shipment of liquors for sale in local option territory and prohibiting persons from having in possession for sale liquors in such territory.

The House took up for consideration from the calendar bills of the following titles, viz.:

S. Res. 8. A resolution for the payment of the widow of the late Special Judge Wm. Carnes, of the Breathitt Circuit Court.

H. B. 596. An Act to provide for the payment of the sum of $253.80 to A. E. Barrett, of Pike County, Kentucky, for teaching.

H. B. 226. An Act to repeal Chapter 89, sub-division 11, the same being Sections 3588 to 3606, inclusive, Kentucky Statutes, Carroll's Edition of 1909, relating to public schools in cities of the fourth class, and to enact in lieu thereof a model school law applicable to all cities of the fourth class.

H. B. 497. An Act to amend an Act entitled "An Act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes, Carroll's Edition."

With an amendment thereto.

H. B. 609. An Act to repeal the charter of the town of Summersville, Green County, Kentucky.

H. B. 603. An Act to repeal the charter of the town of Flat Gap in Johnson County.

S. B. 63. An Act to repeal and re-enact an Act entitled "An Act granting pensions to indigent and disabled Confederate soldiers," which act became a law March 11, 1912.

S. B. 179. An Act to amend Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

H. B. 601. An Act to amend Section 747, Sub-division 8, Chapter 32, of the Kentucky Statutes, relating to the salary of Insurance Commissioner, Deputy and Clerks.

H. B. 608. An Act to amend and re-enact Section 700, of the Kentucky Statutes.

H. B. 571. An Act to amend Section 633, of the Kentucky Statutes.

H. B. 627. An Act to amend Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

H. B. 526. An Act to repeal an Act entitled "An Act to incorporate the South Covington & Cincinnati Street Ry. Co."

H. B. 614. An Act to prevent lobbying with jurors and witnesses and to punish lobbyists and other corruptionists.

H. B. 616. An Act to reduce the salary of special judges from $1,200.00 to $600.00 per year.

H. B. 628. An Act to amend an Act entitled "An Act to provide for the appointment of two additional inspectors of coal mines; and to provide for the examination of applicants for certificates of qualification to serve as foreman in coal mines and require that only persons possessing such certificates of qualification or possessing service certificates shall be employed as such foreman; and to require the em-

ployment of special shot-firers in coal mines wherein explosive gasses or coal dust generate or exist in dangerous quantities and to otherwise provide for greater protection to the lives and health of persons employed in the coal mines of this State," which act became a law March 20, 1908.

H. B. 629. An Act to repeal an Act entitled "An Act qualifying and enabling women to vote for the election of school trustees and other school officers chosen by the people, except such officers as women may be disqualified from voting for by the Constitution, and upon school measures or questions submitted to a vote of the people and to hold common school offices, except such offices as women are disqualified from holding by the Constitution."

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 282. An Act giving additional powers to the County Board of Education concerning consolidated schools and levying a local tax for their operation and maintenance.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 8 of an Act entitled "An Act to repeal and re-enact as a substitute therefor Article 5, Chapter 113, Ken-

tucky Statutes (Carroll's Edition), 1909, the same being Sections 4399 to 4403 inclusive of said Kentucky Statutes," be and the same is hereby amended by inserting after the first paragraph in said section and immediately following the word "election" at the end of said paragraph and preceding the word "when" in the next paragraph, the following paragraph, viz.:

"That said election shall be opened, conducted and held by and under the laws of Kentucky governing the election of common school trustees. That immediately after the polls are closed, the officers of the election shall certify the votes cast for and against the tax; and the sheriff and clerk of said election shall deliver said certificate together with all the original papers of the election to the superintendent of common schools in the county in which said election is held within forty-eight hours after said election has been closed and receive his receipt therefor. The said superintendent shall at once call the Board of Education for said county together, and they shall meet within ten days after said vote has been received by the superintendent, which board shall at once canvass the returns of said election, and enter an order upon the minutes of its proceedings, declaring the result of said election. If a majority of said votes cast are in favor of said tax, and no appeal is taken from the order, on the minutes of the Board of Education declaring the results thereof, to the circuit court of the county in which said election is held, within five days after said order is entered, then the Board of Education shall be called together within ten days after said order has been entered dclaring the result of the vote, and said board shall enter an order levying a tax not to exceed, however, the sum of fifty cents upon each one hundred dollars' worth of real, personal and mixed property belonging to persons and corporations within the boundaries of said consolidated school district and subject to taxation under the laws of Kentucky

therein. But nothing in this Act shall be so construed as to tax the property of a white person or corporation for the support of a colored school, or the property of a colored person for the supprt of a white school in said consolidated district. If an appeal is taken from the order of the Board of Education declaring the results of said election to the circuit court of the county in which said election is held, said appeal shall be docketed at the next term of the circuit court, that meets in the county after said order was entered on the minutes of the Board of Education, declaring the results of said election, and summarily tried by the presiding judge of said court after hearing the evidence of the contestants and contestees, and without the intervention of a jury, and his judgment shall at once be certified by the clerk of the circuit court to the superintendent of common schools. If the judge of the circuit court decides that a majority of the legal qualified voters in the consolidated school district participating in the election voted for the tax, the superintendent of common schools shall at once call the Board of Education together and they shall at once enter an order upon the minutes of their proceedings levying a tax as herein provided. In ordering the election to determine whether the tax shall be levied in a consolidated school district, the Board of Education for the county shall fix the place where said election shall be held in said consolidated school district, which place must be mentioned in the notices advertising the time of the election. Each consolidated school district shall have only one trustee to be elected at the same time and in the same manner and under the same law as trustees are now elected for sub-districts and all vacancies in said office shall be filled by the Board of Education until the next election after said vacancy shall occur. The Board of Education shall have the supervision, control and management of all consolidated schools and the transporting to and from said schools, and after receiving the advice and recommendations of the trustee of said consolidated

school district, which shall be furnished it upon demand, it shall employ teachers and provide for the transportation of the pupils to and from school and all other necessary expenses of said consolidated school, and when necessary fix points and shelters in each neighborhood, at which the children shall gather for transportation and make rules for the government of the pupils while at said points and while being transported to and from school. Provided, that nothing in this act shall be construed as exempting any taxpayer in said consolidated district from the payment of the uniform school tax recommended by the County Board of Education, and levied by fiscal court of said county as now provided by law. Nor shall this act be so construed as to prevent said consolidated district from participating in its pro rata part of the uniform tax recommended for the county by the County Board of Education and levied by the fiscal court of the county. Provided further that the local tax herein provided for shall be collected by the sheriff of the county in the same manner as other taxes are collected, and paid to the superintendent of common schools as ex-officio treasurer of County Board of Education, and shall only be used by the Board of Education for the benefit of the consolidated district voting said tax." So that said section number 8 as amended will read as follows, viz.:

§ 8. That the County Board of Education is hereby empowered to lay off a boundary including a number of subdistricts and submit to the voters in that boundary the proposition of a tax sufficient to provide for consolidation of the schools within that boundary and for transportation of pupils to and from said consolidated school, and may provide in districts consolidated under existing laws, by local taxation or otherwise for the transportation of pupils of the district to and from the schools, and such appropriation and taxation for said purposes of transporting children is hereby validated as if it had been previously expressed in the phrase

for local taxation, and that where subdistricts have already been consolidated according to law, and a tax has already been voted in said consolidated districts for local expenses, the term "local expenses" shall be construed to include the transportation of children in such cases. Said proposition for taxation may be submitted to the voters at the regular election for school trustees or at any other time decided upon by the County Board of Education, provided that not less than thirty days' notice be given of said election.

That said election shall be open, conducted and held by and under the laws of Kentucky governing the election of common school trustees. That immediately after the polls are closed, the officers of the election shall certify the votes cast for and against the tax; and the sheriff and clerk of said election shall deliver said certificates, together with all the original papers of the election to the superintendent of common schools in the county in which said election is held, within forty-eight hours after said election has been closed and receive his receipt therefor. That said superintendent shall at once call the board of education for said county together and they shall meet within ten days after said vote has been received by the superintendent, which board shall at once canvass the returns of said election, and enter an order upon the minutes of its proceedings, declaring the result of said election. If a majority of said votes cast are in favor of said tax, and no appeal is taken from the order, on the minutes of the board of education declaring the results thereof, to the circuit court of the county in which said election is held, within five days after said order is entered, then the board of education shall be called together within ten days after said order has been entered declaring the result of the vote, and said board shall enter an order levying a tax not to exceed, however, the sum of fifty cents upon each one hundred dollars' worth of real, personal or mixed property belonging to persons and corporations within the bound-

aries of said consolidated school district and subject to taxation under the laws of Kentucky therein. But nothing in this act shall be so construed as to tax the property of a white person or corporation for the support of a colored school, or the property of a colored person for the support of a white school in said consolidated district. If an appeal is taken from the order of the board of education declaring the results of said elcetion to the circuit court of the county in which said election is held, said appeal shall be docketed at the next term of the circuit court, that meets in the county after said order was entered on the minutes of the board of education, declaring the result of said election, and summarily tried by the presiding judge of said court after hearing the evidence of the contestants and contestees, and without the intervention of a jury, and his judgment shall at once be certified by the clerk of the Circuit Court to the Superintendent of Common Schools. If the Judge of the Circuit Court decides that a majority of the legal qualified voters in the consolidated school district participating in the election voted for the tax the Superintendent of Common Schools shall at once call the board of education together, and they shall at once enter an order upon the minutes of their proceedings levying a tax as herein provided. In ordering the election to determine whether the tax shall be levied in a consolidated school district, the board of education for the county shall fix the place where said election shall be held in said consolidated school district, which place must be mentioned in the notices advertising the time of the election. Each consolidated school district shall have only one trustee to be elected at the same time and in the same manner and under the same law as trustees are now elected for subdistricts and all vacancies in said office shall be filled by the board of education, until the next election after said vacancy shall occur. The board of education shall have the supervision, control and management of all consolidated schools and the transporting to and from said schools, and after re-

ceiving advice and recommendations of the trustees of said consolidated school district, which shall be furnished it upon demand, it shall employ teachers and provide for the transportation of the pupils to and from school, and all other necessary expense of said consolidated school; and when necessary fix points and shelters in each neighborhood, at which the children shall gather for transportation and make rules for the government of the pupils while at said points and while being transported to and from school. Provided that nothing in this act shall be construed as exempting any taxpayer in said consolidated district from the payment of the uniform school tax recommended by the county board of education, and levied by the fiscal court of said county as now provided by law. Nor shall this act be so construed as to prevent said consolidated district from participating in its pro rata part of the uniform tax recommended for the county by the county board of education and levied by the fiscal court of the county. Provided further that the local tax herein provided for shall be collected by the sheriff of the county in the same manner as other taxes are collected, and paid to the Superintendent of Common Schools as ex-officio treasurer of the county board of education, and shall only be used by the board of education for the benefit of the consolidated district voting said tax.

When such a tax is voted in such consolidated district for local school purposes, it shall remain and be collected annually in accordance with the provisions of law, until repealed by veto of the people.

§ 8a. All acts and parts of acts concerning consolidated schools in conflict with this act are hereby repealed.

§ 8b. Whereas, it is considered that this act will promote the cause of education in Kentucky, and that there are many places in Kentucky where they are anxious to consolidate several districts together so that better schools may be conducted; and whereas it is necessary that said consolidations be perfected before that time in the year when the

common schools are opened, an emergency is hereby declared to exist and this act shall go into effect from and after its passage and approval by the Governor.

Mr. Klette moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	Lilburn Phelps
Elmer L. Brown	W. L. Hampton	William A. Perry
A. T. Bryson	J. B. Harvey	John A. Polin
J. G. Coke, Jr.	W. E. Henninger	W. A. Price
Benj. L. Cox	J. J. Huff	Richard Radcliffe
George T. Davis	R.B.Hutchcraft,Jr.	W. E. Rogers
James R. Dorman	Griffin Kelly	B. T. Rountree
John Drescher	William J. Kuh	A. W. Sharp
John C. Duffy	J. C. Lay	James T. Webb
M. J. Farris, Jr.	C. R. Luker	W. M. Webb
Vert C. Fraser	John McDyer	John F. White
John F. Fryer	T. T. Mobley	N. B. White
Frank C. Greene	A. J. Oliver	M. O. Wilson
C. M. Gum	Lyman J. Parrigin	Douglas G. Wood

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Those voting in the negative were—

Glover H. Cary	H. H. Hays	Dr. W. R. Ray
Ed. F. Cecil	Dr. S. L. Henry	Stanley F. Reed
John W. Douglas	D. H. Hillman	S. H. Rogers
H. C. Duffy	T. R. Jones	S. M. Saufley
William Duffy	Geo. M. McDowell	W. A. Shawler
G. P. Durrett	J. R. Mount	L. M. Smith
E. V. Hall	Harry J. Meyers	Ed. D. Stone
V. D. Hammond	S. Mazyck O'Brien	W. T. Stott
H. H. Harrington	A. W. Palmer	J. D. Wills

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And so said bill, failing to receive the number of votes required under the Constitution, was rejected.

Mr. J. T. Webb moved to reconsider the vote by which said bill was disagreed to.

Said motion was agreed to.

Mr. J. T. Webb moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was agreed to.

Mr. J. T. Webb moved to reconsider the vote by which the previous question was ordered.

Said motion was agreed to.

Mr. J. T. Webb offered the following amendment to said bill:

Amend H. B. 282 by striking out the emergency clause.

Mr. Reed moved that said bill and pending amendments be tabled.

Said motion was agreed to.

And so said bill was tabled.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 1. An Act empowering boards of trustees of all common graded schools created by the vote of the people operating in this State to levy and collect an annual tax for the maintenance, operating and support of the graded schools in their respective districts.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Boards of trustees of all common graded schools created by a vote of the people, operating in this state, which do not now levy and collect as much as fifty cents on each one hundred ($100.00) dollars of taxable property within their respective districts, be and the same are empowered to levy and collect any rate of tax annually, for the purpose of maintaining, operating and supporting the graded schools in their respective districts, not to exceed fifty cents on each one hundred ($100.00) dollars, of taxable property, within their respective districts when in their judgment a greater rate of tax than is now levied and collected in their respective districts, is necessary and the interests and demands of said schools make it expedient so to do.

§ 2. Owing to the conditions of certain common graded schools in the state an emergency is hereby declared and this act shall become a law and be effective from and after its passage and approval by the Governor, and all laws or parts of laws in conflict herewith are hereby repealed.

Mr. Drescher offered the following amendment to said bill:

Amend by adding at the end of Section 1 the following: "Providing that nothing in this bill shall apply to counties having a population of two hundred and fifty thousand or more."

Said amendment was agreed to.

Mr. Hall offered the following amendment to said bill:

Amend by striking out Sec. 2.

Said amendment was agreed to.

Mr. Mount offered the following amendment to said bill:

Amend H. B. 1 by adding the following: "That this Act shall apply only to Allen County and only after a submission to the voters of said county."

Said amendment was disagreed to.

Mr. Judy offered the following amendment to said bill:

Amend by adding thereto the following: "Provided that the provisions of this Act shall not apply to counties having therein a city of the fourth class."

Said amendment was disagreed to.

Mr. Douglas moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	E. V. Hall	S. Mazyck O'Brien
Harry Avery	Elwood Hamilton	A. J. Oliver
Wallace Bailey	V. D. Hammond	Lyman J. Parrigin
J. M. Billeter	H. H. Hays	William A. Perry
Henry C. Blades	W. E. Henninger	John A. Polin
Joseph Boitnott	Dr. S. L. Henry	W. A. Price
Elmer L. Brown	J. J. Huff	Stanley F. Reed
A. T. Bryson	R.B.Hutchcraft,Jr.	B. T. Rountree
Ed. F. Cecil	J. M. Johnson	A. W. Sharp
J. G. Coke, Jr.	T. R. Jones	W. A. Shawler
James R. Dorman	William J. Kuh	Adam Spahn
John W. Douglas	J. C. Lay	Louis Tieman
John Drescher	Simon B. Lott	N. C. Tilford
John C. Duffy	C. R. Luker	Matt.S.Walton,Jr.
William Duffy	John McDyer	James T. Webb
Ed. Frost	John G. Miller, Jr.	W. M. Webb
John F. Fryer	T. T. Mobley	M. O. Wilson
Frank C. Greene	Zach. L. Myers	Douglas G. Wood
C. M. Gum	John E. Newman	—56

Those voting in the negative were—

C. W. Burton	M. J. Farris, Jr.	H. H. Harrington
Benj. L. Cox	Vert C. Fraser	D. H. Hillman
H. C. Duffy	W. L. Hampton	John A. Judy

Geo. M. McDowell	Dr. W. R. Ray	L. M. Smith	
J. R. Mount	S. H. Rogers	W. T. Stott	
Dr. T. J. Poteet	W. E. Rogers	J. D. Wilis	
Richard Radcliffe	S. M. Saufley		—20

Resolved, That the title thereof be as aforesaid.

Mr. Oliver moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. W. M. Webb moved that the rules be suspended; that the committees be permitted to report such bills as they may have to report.

Said motion was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 241. An Act requiring counties to furnish their own veterinary surgeons.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Fiscal Court of each county in this State, upon the recommendation of the County Board of Health in such county, or upon the recommendation of the general council of any city or town, shall select a duly qualified veterinarian whose duty it shall be to examine, and inspect, once in each year, all bulls, cows and calves held and owned in such county, at the expense of such county, for the purpose of detecting tuberculosis among same, and to apply the

tuberculin test to such cattle owned and held in such county in the State of Kentucky, at the expense of such county, provided such veterinarian, selected as aforesaid, shall discover physical evidence of the existence of tuberculosis in such cattle in said county, proposed to be tested. If the owner of such cattle, proposed to be tested, should object to such test being applied, upon the ground that such cattle do not show physical evidences of tuberculosis, then said owner shall have the right, at his own expense, to designate a veterinarian to examine such cattle; and if said veterinarian so selected agrees with the said veterinarian representing the county, that such cattle show physical evidences of tuberculosis, then said cattle shall be tested with the tuberculin test; but in the event said veterinarian does not agree with the veterinarian selected by the Fiscal Court, that there are physical evidences of such disease, then said two veterinarians shall thereupon select a third veterinarian, who shall examine said cattle; and the decision of said third person so selected shall be final as to whether or not physical evidences of the existence of such diseases exist.

The owner of any animal or animals reacting to the tuberculin test, and showing physical evidences of tuberculosis, may, in the discretion of the veterinarian selected by the Fiscal Court, as aforesaid, be given a reasonable time in which to prepare such animal for slaughter, provided such animal is isolated from other cattle (of the same kind), if such reacting animal, in the opinion of said veterinarian, would, when slaughtered, be fit for food; but if such animal when slaughtered, would not, in the opinion of said veterinarian, be fit for food, then the same shall be destroyed at the expense of the owner thereof.

§ 2. That hereafter the State Board of Health shall not apply, nor cause to be applied by any officer, agent or employee, the tuberculin test to bulls, cows, or calves owned and held in this State.

§ 2a. That no city nor town shall apply or cause to be

applied by any officer, agent or employee, the tuberculin test to bulls, cows, or calves owned or held in this State or require same to be applied, except as indicated in section 1 hereof, to any cows from which milk or other dairy products are furnished to said city of town.

§ 3. No animal, reacting to the tuberculin test, applied as herein provided shall be used for dairy purposes thereafter, and any person, firm or corporation using such animal for dairy purposes thereafter shall be guilty of a misdemeanor and on conviction shall be subject to a fine of not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars.

§ 4. All laws or parts of laws in conflict, or inconsistent with the provisions of this act, are hereby repealed.

The Committee on Agriculture offered the following amendment to said bill:

Amend Section 1, line three, after the word "town" and before the word "select," by striking out the word "shall," and inserting in lieu thereof the word "may."

Said amendment was disagreed to.

Mr. Frazer offered the following amendment to said bill:

Amend H. B. 241 by adding in line 5, after the words "in such county," the words "for dairy purposes;" the words "dairy purposes" shall be construed to mean any cow or cows from which the milk or any products of the milk is sold or offered for sale.

Also amend H. B. 241 by striking out the words "at the expense of such county," in lines 5 and 8, and insert in lieu thereof the words "at the expense of the owners of such

cows,'' said charges or fees to be fixed by the Fiscal Court of said county.

Said amendment was agreed to.

Mr. J. T. Webb offered the following amendment to said bill:

Amend H. B. 241 by striking out the word ''shall'' and insert the word ''may'' near the middle of third line.

Said amendment was disagreed to.

Mr. Coke offered the following amendment by way of substitute for said bill:

An Act to promote the tuberculin testing of dairy cattle in this Commonwealth and protect the people from the ''great white plague.''

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all regulations for the tuberculin testing of cattle shall be enforced under the direction of the Live Stock Sanitary Board, representing the agricultural, dairy and pure food interests of this Commonwealth.

Said substitute was disagreed to.

Mr. Douglas moved that said bill and all pending amendments be tabled.

The yeas and nays being required thereon by Messrs. Fraser and Fryer were as follows:

Those voting in the affirmative were—

Joseph Boitnott	D. H. Hillman	S. Mazyck O'Brien
Ed. F. Cecil	J. J. Huff	Lyman J. Parrigin
J. G. Coke, Jr.	T. R. Jones	Lilburn Phelps
Benj. L. Cox	Simon B. Lott	William A. Perry
John W. Douglas	Dr. J. N. M'Cormack	John A. Polin
H. C. Duffy	Geo. M. McDowell	Dr. T. J. Poteet
William Duffy	John McDyer	W. A. Price
G. P. Durrett	W. T. McNally	S. H. Rogers
W. L. Hampton	John G. Miller, Jr.	B. T. Rountree
J. B. Harvey	T. T. Mobley	W. T. Stott
H. H. Hays	J. R. Mount	Louis Tieman
Dr. S. L. Henry	John E. Newman	J. D. Wills

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Those voting in the negative were—

Peter Ampler	Elwood Hamilton	Richard Radcliffe
Harry Avery	V. D. Hammond	Dr. W. R. Ray
Jas. W. Barrall	H. H. Harrington	Stanley F. Reed
Elmer L. Brown	W. E. Henninger	W. E. Rogers
A. T. Bryson	R. B. Hutchcraft, Jr.	W. A. Shawler
C. W. Burton	J. M. Johnson	L. M. Smith
George T. Davis	John A. Judy	Ed. D. Stone
John Drescher	Griffin Kelly	N. C. Tilford
Odie Duncan	John H. Klette	Matt. S. Walton, Jr.
M. J. Farris, Jr.	William J. Kuh	James T. Webb
Vert C. Fraser	C. R. Luker	N. B. White
Ed. Frost	Harry J. Meyers	M. O. Wilson
John F. Fryer	Zach. L. Myers	Roy S. Wilson
Frank C. Greene	A. W. Palmer	Douglas G. Wood
C. M. Gum	J. D. Pumphrey	

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And so said motion to table was disagreed to.

Mr. Fryer moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill being at length dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	J. D. Pumphrey
Harry Avery	V. D. Hammond	Richard Radcliffe
Jas. W. Barrall	H. H. Harrington	Dr. W. R. Ray
Joseph Boitnott	J. B. Harvey	Stanley F. Reed
Elmer L. Brown	H. H. Hays	W. E. Rogers
A. T. Bryson	W. E. Henninger	S. M. Saufley
C. W. Burton	R.B.Hutchcraft Jr.	A. W. Sharp
Glover H. Cary	J. M. Johnson	W. A. Shawler
George T. Davis	John A. Judy	L. M. Smith
James R. Dorman	John H. Klette	N. C. Tilford
John Drescher	William J. Kuh	Matt. S. Walton, Jr.
John C. Duffy	Geo. M. McDowell	James T. Webb
M. J. Farris, Jr.	Harry J. Meyers	N. B. White
Vert C. Fraser	Zach. L. Myers	M. O. Wilson
John F. Fryer	A. W. Palmer	Roy S. Wilson
Frank C. Greene	Lyman J. Parrigin	—47

Those voting in the negative were—

Glover H. Cary	G. P. Durrett	T. R. Jones
Ed. F. Cecil	C. M. Gum	J. C. Lay
J. G. Coke, Jr.	E. V. Hall	Simon B. Lott
Benj. L. Cox	W. L. Hampton	C. R. Luker
John W. Douglas	Dr. S. L. Henry	Dr. J. N. M'Cormack
H. C. Duffy	D. H. Hillman	W. T. McNally
William Duffy	J. J. Huff	John G. Miller, Jr.

J. R. Mount	William A. Perry	B. T. Rountree
John E. Newman	John A. Polin	Ed. D. Stone
S. Mazyck O'Brien	Dr. T. J. Poteet	W. T. Stott
Lilburn Phelps	S. H. Rogers	J. D. Wills

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Resolved, That the title thereof be as aforesaid.

Mr. Fryer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of 12:30 having arrived, the House recessed until 2:00 o'clock.

AFTERNOON SESSION.

At 2:00 o'clock the House reconvened.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 278. An Act authorizing the granting of license to certain graduates of medical schools without a State Board examination.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons who graduated in medicine, from a reputable medical school, on or before the 1st day of July, 1905, shall be granted license to practice said profession, without passing a State Board examination, provided, that they were residents of this State at the time of graduation and are still residents of this State.

§ 2. A fee of $10 shall be paid the State Board of Health for said license.

§ 3. All laws or parts of laws in conflict with this Act are hereby repealed.

The Committee on Public Health offered the following amendment to said bill:

Strike out "are still residents of this State" at the end of Sec. 1 and insert in lieu thereof "have continuously since said date resided in this State."

Said amendment was agreed to.

Mr. Greene offered the following amendment to said bill:

Amend by striking out "July 1, 1905," and inserting in lieu thereof "July 1, 1908."

Said amendment was agreed to.

Mr. J. C. Duffy moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the reading of said bill at length being dispensed with, said bill was read the third time by its title, and, as amended, was passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	Elwood Hamilton	John McDyer
Wallace Bailey	W. L. Hampton	W. T. McNally
J. M. Billeter	J. B. Harvey	T. T. Mobley
Joseph Boitnott	H. H. Hays	Lyman J. Parrigin
C. W. Burton	W. E. Henninger	Lilburn Phelps
J. G. Coke, Jr.	Dr. S. L. Henry	William A. Perry
Benj. L. Cox	D. H. Hillman	Dr. T. J. Poteet
George T. Davis	J. J. Huff	S. H. Rogers
James R. Dorman	R.B.Hutchcraft,Jr.	A. W. Sharp
John W. Douglas	T. R. Jones	Adam Spahn
John Drescher	John A. Judy	Ed. D. Stone
William Duffy	Griffin Kelly	James T. Webb
G. P. Durrett	John H. Klette	W. M. Webb
Thomas J. Evans	J. C. Lay	N. B. White
Vert C. Fraser	Simon B. Lott	J. D. Wills
Frank C. Greene	C. R. Luker	Roy S. Wilson
C. M. Gum	Dr.J.N.M'Cormack	—50

Those voting in the negative were—

Henry C. Blades	J. R. Mount	W. A. Price
Elmer L. Brown	John E. Newman	Stanley F. Reed
H. C. Duffy	S. Mazyck O'Brien	
John F. Fryer	John A. Polin	—10

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 277. An Act authorizing the granting of pharmacists' license to certain graduates of schools of medicine, without a State Board examination.

Mr. Klette moved that said bill be tabled.

Said motion was agreed to.

Mr. Duffy asked the unanimous consent of the House to introduce a bill.

Said request was granted.

By Mr. J. C. Duffy:

H. B. 634. An Act to provide separate trustees for white and colored schools.

To Committee on Education No. 1.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House, of the following title:

H. B. 27. An Act creating a State Text Book Commission to adopt for use in the common schools of Kentucky a uniform series of text books, regulating the price thereof, defining the power and duties of said Commission, and the method of selection of such text books and their distribution, prescribing penalties for the violation of this Act and repealing Chapter thirteen of the Acts of the General Assembly of Kentucky, approved March fifteenth one thousand nine hundred and ten.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 459. An Act to amend an Act entitled "An Act to amend Chapter 113, Article VIa, Carroll's Kentucky Statutes, 1909, District-trustees, teachers, taxation," approved March 11, 1912.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2 of the act to amend Chapter 113, Article VIa, Carroll's Kentucky Statutes, 1909, and which act was approved by the Governor March 11, 1912, be amended as follows:

By adding the word "white" before the word "person" in the seventh line of said act on page 124, and by eliminating the word "male" before the word "persons" in the thirteenth line of said act by inserting in lieu thereof the word "white;" so that said section when amended and re-enacted shall read as follows:

On the first Saturday in August after the passage of this act an election shall be held at the school building in each school sub-district in this Commonwealth from the hours of one until five o'clock in the afternoon for the purpose of electing one trustee for each school sub-district as fixed by section two of this act. The trustees then elected shall hold their offices one-half for one year and one-half for two years, as shall be determined by lot at the first meeting of the division board as provided for in section four of this act. Each year thereafter there shall be elected for two years one trustee in each sub-district in which the term of his predecessor in office will then expire. Said trustees shall serve until their successors are duly elected or appointed and qualified as herein provided.

Any white person shall be eligible to this office of school trustee who is over twenty-one years of age, and who has been a resident of the sub-district for which he is elected for sixty days before the election, and who is able to read and write, as shown by a certificate of five reputable citizens of the sub-district, and all white persons over twenty-one years of age who shall have resided in a school sub-division for sixty days next before an election shall have the right to vote at such elections. All elections for school trustees shall be

by viva voce vote. The officers of the election shall be two judges and a clerk, who shall be residents of the sub-district and legal voters and shall be chosen by the voters at the opening of the polls. The said officers shall be the judges of the qualifications of each voter as prescribed in this act and shall certify the returns of the election to the County Superintendent of Schools within five days after said election.

Mr. Stone offered the following amendment to said bill:

Amend by striking out in line 9 the word "first" and insert in lieu thereof the word "second" and by striking out in line 23 the words "sixty days" and insert in lieu thereof the words "six month."

Said amendment was disagreed to.

Mr. J. C. Duffy moved that said bill and pending amendments be tabled.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provisions of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Frank C. Greene	John E. Newman
Henry Avery	E. V. Hall	S. Mazyck O'Brien
Henry C. Blades	Elwood Hamilton	Lyman J. Parrigin
Elmer L. Brown	W. L. Hampton	William A. Perry
C. W. Burton	V. D. Hammond	John A. Polin
Glover H. Cary	H. H. Harrington	Dr. T. J. Poteet
Ed. F. Cecil	H. H. Hays	J. D. Pumphrey
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Richard Radcliffe
Benj. L. Cox	J. M. Johnson	Dr. W. R. Ray
George T. Davis	T. R. Jones	Stanley F. Reed
James R. Dorman	John A. Judy	S. H. Rogers
John W. Douglas	Griffin Kelly	W. E. Rogers
William Duffy	J. C. Lay	L. M. Smith
Odie Duncan	Dr.J.N.M'Cormack	W. T. Stott
G. P. Durrett	Geo. M. McDowell	Matt.S. Walton,Jr.
Thomas J. Evans	W. T. McNally	James T. Webb
M. J. Farris, Jr.	T. T. Mobley	J. D. Wills
Vert C. Fraser	J. R. Mount	Roy S. Wilson
Ed. Frost	Harry J. Meyers	
John F. Fryer	Zach. L. Myers	—58

Those voting in the negative were—

Wallace Bailey	W. E. Henninger	Lilburn Phelps
Joseph Boitnott	D. H. Hillman	B. T. Rountree
A. T. Bryson	J. J. Huff	A. W. Sharp
John C. Duffy	Simon B. Lott	Ed. D. Stone
C. M. Gum	C. R. Luker	W. M. Webb
J. B. Harvey	John McDyer	—17

Resolved, That the title thereof be as aforesaid.

Mr. Judy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration, from the orders of the day, a bill entitled:

S. B. 104. An Act to amend Chapter 81, Article 1, entitled "Liquors—Intoxicating" of Kentucky Statutes, Carroll's Edition 1909, by repealing Sections 2554 and 2557 and enacting other provisions in lieu thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When a new trial shall be granted pursuant to the provisions of Section 340 of the Civil Code of Practice the party opposing or objecting to a new trial shall have the right to appeal to the Court of Appeals from the order granting the new trial in the same manner as an appeal is taken from a final judgment, and when such an appeal is taken no further trial shall be had in such case in the circuit court until such appeal is disposed of in the Court of Appeals. The Court of Appeals shall either affirm the action of the Circuit Court in granting a new trial or shall reverse same and affirm the judgment set aside by the order of the circuit court.

When such appeal is taken, the record shall be filed in the office of the Clerk of the Court of Appeals within sixty days, unless the time by order of the circuit court or Court of Appeals shall be extended, otherwise the appeal shall be held to be abandoned. A mandate shall be issued as in other cases directing the circuit court as to what further action shall be taken in the case.

§ 2. Infants, persons of unsound mind and non-residents before the court by constructive process only shall be considered as opposing such new trial in all cases where their interests are adverse to such new trial, and where such new trial is not granted upon the application of some one legally authorized to represent them.

§ 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Mr. H. C. Duffy offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, upon the concurrence of three-fifths of all the members elected to each House, the yeas and nays being taken thereon and entered in full in their respective journals in lieu and in substitution of Section No. 61 of the Constitution of Kentucky, the following clause or provision be inserted, and become a part of the Constitution of Kentucky, viz.:

The manufacture, sale, barter, giving away or otherwise furnishing, except as hereinafter provided, of malted, fermented, brewed, vinous or spirituous liquors, within this State, is prohibited until otherwise provided by amendment of the Consttution of this Commonwealth. Any person, individual, or corporation who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquors of any kind, including beer, ale and wine, contrary to the provisions of this section, or who shall advertise for sale or solicit the purchase of any such liquors within this State, or who shall ship or in any way convey such liquors from any part of this State into any other part thereof, shall be punished, on conviction thereof by fine, not less than fifty dollars, or more than five hundred dollars and confinement in jail for a period of not less than thirty days and not more than six months, with or without labor (in the discretion of the jury), or, in lieu of such fine and imprisonment in jail, confinement in the State penitentiary, for a period not exceeding twelve months, for such offense; Provided, that the General Assembly may provide by law for one agency under the supervision of the State in each city or town in the State

of not less than one thousand population, and if there be no city or town of such population in any county of the State, such county shall be entitled to have one such agency, for sale of such liquors for medicinal purposes; and for the sale for industrial purposes of alcohol which shall have been denaturalized by some process approved by the United States' Commissioners of revenue; and for sale of alcohol for scientific purposes to such scientific institutions, universities and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed a bond in manner and form approved as the General Assembly shall direct, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within this State shall constitute prima facie evidence of his intention to violate the provisions of this section of the Constitution.

No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which it is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided, unless such statement shall be accompanied by bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once.

Each sale shall be duly registered, and the register thereof together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of the State at all times during business hours.

Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury or false swearing. Any physician who shall prescribe any such liquor except for the treatment of a disease, which,

after his own personal diagnosis, he shall deem to require such treatment, shall upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars, or by imprisonment in the county for not less than thirty days, or by both such fine and imprisonment in the discretion of the jury; and any person connected with such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions, shall be punished by confinement in the State penitentiary for not less than six months nor more than twelve months.

The General Assembly shall enact any legislation as herein by express terms required, and may enact any additional legislation deemed necessary and proper to more effectually carry out the aims and purposes herein expressed, not in derogation of or inconsistent with any clause or provisions herein contained.

This amendment, which is self-executing, shall go into effect and become operative January first, nineteen hundred and eighteen, but nothing herein shall be construed to interfere with or repeal any law now in force relating to sale or gift of such liquors until date aforesaid.

Mr. Douglas moved that said substitute proposed by Mr. H. C. Duffy be withdrawn from consideration by the House because not germane to the original bill.

Said motion was agreed to by Mr. Speaker Terrell, and ruled not to be germane.

Mr. Walton appealed from the decision of the chair and presented the following, in writing:

Whereas, a substitute has been offered to S. B. 104 and same has been ruled out of order by the Speaker, as being

not germane to said S. B. 104, the ruling of the Speaker is hereby appealed from.

MATT S. WALTON,
HARRY J. MEYERS.

The Speaker vacated the chair and designated Mr. Elwood Hamilton to preside pending the appeal.

Mr. Hamilton occupied the chair.

The yeas and nays being required thereon by Messrs. Walton and Douglas, were as follows:

Those voting in the affirmative were—

Harry Avery	H. H. Hays	Dr. T. J. Poteet
Wallace Bailey	W. E. Henninger	J. D. Pumphrey
J. M. Billeter	Dr. S. L. Henry	Richard Radcliffe
Henry C. Blades	D. H. Hillman	Dr. W. R. Ray
Joseph Boitnott	J. J. Huff	Stanley F. Reed
A. T. Bryson	J. M. Johnson	S. H. Rogers
Glover H. Cary	T. R. Jones	W. E. Rogers
Ed. F. Cecil	Griffin Kelly	B. T. Rountree
J. G. Coke, Jr.	Simon B. Lott	S. M. Saufley
Benj. L. Cox	C. R. Luker	A. W. Sharp
James R. Dorman	Dr. J.N.M'Cormack	W. A. Shawler
John W. Douglas	Geo. M. McDowell	L. M. Smith
G. P. Durrett	John McDyer	Ed. D. Stone
M. J. Farris, Jr.	John G. Miller, Jr.	W. T. Stott
Vert C. Fraser	T. T. Mobley	N. C. Tilford
Ed. Frost	J. R. Mount	James T. Webb
Frank C. Greene	Zach L. Myers	W. M. Webb
C. M. Gum	John E. Newman	N. B. White
E. V. Hall	A. J. Oliver	J. D. Wills
W. L. Hampton	A. W. Palmer	M. O. Wilson
V. D. Hammond	Lyman J. Parrigin	Roy S. Wilson
H. H. Harrington	Lilburn Phelps	
J. B. Harvey	John A. Polin	—67

Those voting in the negative were—

Peter Ampler	John F. Fryer	William A. Perry
Elmer L. Brown	R.B. Hutchcraft,Jr.	W. A. Price
C. W. Burton	John A. Judy	Adam Spahn
George T. Davis	John H. Klette	Louis Tieman
John Drescher	William J. Kuh	Matt. S. Walton,Jr.
H. C. Duffy	W. T. McNally	John F. White
William Duffy	Harry J. Meyers	
Odie Duncan	S. Mazyck O'Brien	—22

And so the House sustained the ruling of Mr. Speaker Terrell.

Mr. Douglass moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows:

Those voting in the affirmative were—

Harry Avery	Glover H. Cary	Thomas J. Evans
Wallace Bailey	Ed. F. Cecil	M. J. Farris, Jr.
Jas. W. Barrall	J. G. Coke, Jr.	Vert C. Fraser
J. M. Billeter	Benj. L. Cox	Ed. Frost
Henry C. Blades	James R. Dorman	Frank C. Greene
Joseph Boitnott	John W. Douglas	C. M. Gum
A. T. Bryson	John C. Duffy	E. V. Hall
C. W. Burton	G. P. Durrett	Elwood Hamilton

W. L. Hampton	Dr.J.N.M'Cormack	S. H. Rogers
V. D. Hammond	Geo. M. McDowell	W. E. Rogers
H. H. Harrington	John McDyer	B. T. Rountree
J. B. Harvey	John G. Miller, Jr.	S. M. Saufley
H. H. Hays	T. T. Mobley	A. W. Sharp
W. E. Henninger	J. R. Mount	L. M. Smith
Dr. S. L. Henry	Zach. L. Myers	Ed. D. Stone
D. H. Hillman	A. J. Oliver	W. T. Stott
J. J. Huff	A. W. Palmer	N. C. Tilford
R.B.Hutchcraft,Jr.	Lyman J. Parrigin	James T. Webb
J. M. Johnson	Lilburn Phelps	W. M. Webb
T. R. Jones	John A. Polin	N. B. White
Griffin Kelly	Dr. T. J. Poteet	J. D. Wills
J. C. Lay	J. D. Pumphrey	M. O. Wilson
Simon B. Lott	Richard Radcliffe	Roy S. Wilson
C. R. Luker	Dr. W. R. Ray	Claude B. Terrell

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Those voting in the negative were—

Peter Ampler	John A. Judy	W. A. Price
Elmer L. Brown	John H. Klette	Stanley F. Reed
George T. Davis	William J. Kuh	Adam Spahn
John Drescher	W. T. McNally	Louis Tieman
H. C. Duffy	Harry J. Meyers	Matt.S. Walton,Jr.
William Duffy	John E. Newman	John F. White
Odie Duncan	S. Mazyck O'Brien	
John F. Fryer	William A. Perry	

—22

Resolved, That the title thereof be as aforesaid.

Mr. Douglas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in that body, of the following titles:

S. B. 15. An Act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first class.

To Committee on Municipalities.

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912, relating to the incorporation of banks, combined banks and trust companies and to amend Section 6 of said Act by providing for the employment of additional bank examiner.

To the Committee on Banks and Banking.

S. B. 250. An Act to repeal Chapter 118 of the Acts of 1910 and Sub-sections 3, 4 and 5 of Section 20 of Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20 of Chapter 65a of the Kentucky Statutes, 1909 Edition, to provide for the maintenance of the House of Reform for boys and the House of Reform for girls and the inmates thereof and to provide for the payment into the State Treasury of the revenues derived from said Houses of Reform.

To the Committee on State Prisons and Houses of Reform.

And that they had passed a bill which originated in the House, of the following title:

H. B. 59. An Act to establish a Board of Examiners for trained nurses and to regulate the practice of professional trained nursing in the State of Kentucky.

Mr. Judy moved that the rules be suspended; that the House take up for consideration from the orders of the day, a bill entitled:

H. B. 424. An Act to amend the Constitution of the Commonwealth of Kentucky.

The yeas and nays being required thereon by Messrs. Judy and Miller were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	W. L. Hampton	William A. Perry
Wallace Bailey	H. H. Hays	Dr. T. J. Poteet
Jas. W. Barrall	W. E. Henninger	W. A. Price
J. M. Billeter	Dr. S. L. Henry	J. D. Pumphrey
Joseph Boitnott	D. H. Hillman	Richard Radcliffe
Elmer L. Brown	J. J. Huff	Dr. W. R. Ray
A. T. Bryson	R.B.Hutchcraft,Jr.	W. E. Rogers
C. W. Burton	J. M. Johnson	B. T. Rountree
Glover H. Cary	T. R. Jones	S. M. Saufley
Ed. F. Cecil	John A. Judy	A. W. Sharp
Benj. L. Cox	Griffin Kelly	W. A. Shawler
George T. Davis	John H. Klette	L. M. Smith
John W. Douglas	William J. Kuh	Ed. D. Stone
William Duffy	J. C. Lay	W. T. Stott
Odie Duncan	Simon B. Lott	Louis Tieman
G. P. Durrett	C. R. Luker	N. C. Tilford
Thomas J. Evans	Geo. M. McDowell	M. S. Walton, Jr.
M. J. Farris, Jr.	W. T. McNally	James T. Webb
Vert C. Fraser	J. R. Mount	W. M. Webb
Ed. Frost	Harry J. Meyers	N. B. White
John F. Fryer	Zach. L. Myers	J. D. Wills
Frank C. Greene	S. Mazyck O'Brien	M. O. Wilson
C. M. Gum	A. W. Palmer	Roy S. Wilson
E. V. Hall	Lilburn Phelps	—71

Those voting in the negative were—

Harry Avery	John Drescher	Elwood Hamilton
Henry C. Blades	H. C. Duffy	V. D. Hammond
J. G. Coke, Jr.	John C. Duffy	H. H. Harrington

Dr.J.N.M'Cormack	Lyman J. Parrigin	Adam Spahn
John McDyer	John A. Polin	John F. White
John G. Miller, Jr.	Stanley F. Reed	
John E. Newman	S. H. Rogers	—19

Mr. Hamilton moved that said bill and amendments be recommitted to the Committee on Constitutional Amendments with leave to report same on Thursday, March 12, 1914, at 11:00 o'clock A. M.

Said motion was agreed to.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bill of the following title, viz.:

S. B. 84. An Act to amend and re-enact Section 579 and Section 584, Kentucky Statutes, Carroll's Edition 1909, so that the banking laws of Kentucky shall conform to the requirements of the Federal Reserve Act.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bill.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill which originated in the Senate to the Clerk of the Senate.

The hour of 5:00 o'clock P. M. having arrived, the House recessed until 7:30 P. M.

EVENING SESSION.

At 7:30 the House reconvened.

The House took up for consideration from the orders of the day a bill entitled:

An Act to enjoin and abate houses of lewdness, etc., and to enjoin the person or persons who conduct or maintain the same.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whoever shall erect, establish, continue, maintain, use, own or lease any building, erection or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building, erection, or place, or the ground floor itself, in or upon which such lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures, musical instruments, and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.

§ 2. Whenever a nuisance is kept, maintained or exists, as defined in this act, the county attorney or any citizen of the county through any attorney he may select, may maintain an action in equity in the name of the State of Kentucky, upon the relation of such county attorney or citizen to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists.

In such action the court, or a judge in vacation, shall upon the presentation of a petition therefor, alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if it shall be made to appear to the

satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony or otherwise, as the complainant may elect, unless the court or judge, by previous order, shall have directed the form and manner in which it shall be presented. Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at his instance, the writ as prayed shall be granted, as a matter of course. When an injunction has been granted, it shall be binding on the defendant throughout the judicial district in which it was issued, and any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided.

§ 3. The action when brought shall be triable at the first term of court after due and timely service of the notice has been given, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the county attorney to prosecute said action to judgment, and if the action is continued more than one term of court any citizen of the county or the county attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen, and the court finds there was no reasonable ground or cause for said action, the costs may be taxed to such citizen.

In case of the violation of any injunction granted under the provision of this act, the court, or in vacation, a judge thereof, may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or

judge shall cause a warrant to issue, under which the defendant shall be arrested. The trial may be upon affidavits, or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section, shall be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

§ 5. If the existence of the nuisance be established in an action as provided in this act, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place all fixtures, furniture, musical instruments, or movable property used in conducting the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattles under execution, and the effectual closing of the building or place against its use for any purpose and so keeping it closed for a period of one year (twelve months) unless sooner released. If any person shall break and enter or use a building, erection, or place so directed to be closed he shall be punished as for contempt as provided in the preceding section. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

§ 6. The proceeds of the sale of the property, as provided in the preceding section, shall be applied in payment of the costs of the action and abatement, and the balance if any shall be paid to the defendant.

§ 7. If the owner appears and pays all costs of the proceedings and files a bond with sureties to be approved by the clerk in the full value of the property, to be ascertained by the court, or, in vacation, by the clerk, auditor and treasurer of the county, conditioned that he will immediately abate

said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court or in vacation, the judge, may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to said owner, and said order of abatement cancelled so far as the same may relate to said property. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

§ 8. Whenever a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept or used for the purposes prohibited by this act, there shall be assessed against said building and the ground upon which the same is located and against the person or persons maintaining said nuisance, and the owner or agent of said premises, a tax of three hundred dollars. The assessment of said tax shall be made by the clerk of the court, certifying to the county treasurer the decree of the court in the case, who shall enter the assessment on his records in the same way as though the assessment was made by the assessor, and proceed to collect this tax in the same way that other taxes are collected and credit it to the general fund, excepting that twenty-five per cent of the amount so collected shall be paid by the treasurer to the attorney representing the State in the injunction action at the time of final judgment. Said tax shall be a perpetual lien upon all property, both personal and real, used for the purpose of maintaining said nuisance, and the payment of said tax shall not relieve the person or building from any other penalties provided by law.

§ 9. The clerk of the court shall keep a separate record of all actions tried under this act, which record shall contain an alphabetical index list of all the defendants, and an index of the properties so enjoined arranged alphabetically as to streets, and the street numbers given if in a city or town.

Mr. Polin offered the following amendment to said bill:

Amend by striking out the words "without bond" in Section 2, lines 11 and 12, and by inserting in lieu thereof the words "upon the execution of a bond as is provided by the Civil Code of Practice," except when the action is instituted by the county attorney.

Said amendment was disagreed to.

Mr. O'Brien offered the following amendment to said bill:

Amend by striking out all of Section 8.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and as amended, was passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows:

Those voting in the affirmative were—

Peter Ampler	A. T. Bryson	John Drescher
Harry Avery	C. W. Burton	John C. Duffy
Jas. W. Barrall	Glover H. Cary	William Duffy
Geo. B. Barrett	J. G. Coke, Jr.	Odie Duncan
J. M. Billeter	Benj. L. Cox	G. P. Durrett
Henry C. Blades	George T. Davis	Thomas J. Evans
Joseph Boitnott	James R. Dorman	Vert C. Fraser
Elmer L. Brown	John W. Douglas	Frank C. Greene

C. M. Gum	Simon B. Lott	Stanley F. Reed
E. V. Hall	C. R. Luker	S. H. Rogers
Elwood Hamilton	Dr.J.N.M'Cormack	W. E. Rogers
W. L. Hampton	Geo. M. McDowell	B. T. Rountree
V. D. Hammond	W. T. McNally	L. M. Smith
H. H. Harrington	John G. Miller, Jr.	Adam Spahn
J. B. Harvey	T. T. Mobley	Ed. D. Stone
H. H. Hays	J. R. Mount	W. T. Stott
W. E. Henninger	John E. Newman	Louis Tieman
Dr. S. L. Henry	S. Mazyck O'Brien	Matt. S. Walton, Jr.
D. H. Hillman	A. W. Palmer	James T. Webb
J. J. Huff	Lyman J. Parrigin	W. M. Webb
T. R. Jones	Lilburn Phelps	N. B. White
John A. Judy	William A. Perry	J. D. Wills
Griffin Kelly	John A. Polin	M. O. Wilson
William J. Kuh	J. D. Pumphrey	
J. C. Lay	Dr. W. R. Ray	—73

Those voting in the negative were—

R.B. Hutchcraft, Jr. Harry J. Meyers —2

Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 358. An Act to regulate the tax on inheritances and to amend Sections 4281a and 4281m, Article 19, Chapter 108 of the Kentucky Statutes, Carroll's Edition 1909.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4281a, Article 19, Chapter 108, of the Kentucky Statutes, Carroll's Edition 1909, which reads as follows:

"All property which shall pass by will or by the intestate laws of this State, from any person who may die seized or possessed of the same, while a resident of this State, or if such decedent was not a resident of this State at the time of death, which property, or any part thereof, shall be within this State, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor or bargainer, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body-politic or corporate, in trust or otherwise, or by reason whereof any person or body-politic or corporate shall become beneficially entitled, in possession of expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the Commonwealth of Kentucky, and any lineal descendant of such decedent born in lawful wedlock, shall be, and is, subject to a tax of five dollars on every hundred dollars of the fair cash value of such property, and at a proportionate rate for any less amount, to be paid to the sheriff or collector of the proper county, as hereinafter defined for the general use of the Commonwealth; and all administrators, executors and trustees shall be liable for any and all taxes until the same shall have been paid as hereinafter directed: Provided, That the first five hundred dollars of every estate shall not be subject to such duty or tax,"

be repealed and re-enacted, so as to read, when amended, as follows:

All property within the jurisdiction of this State, and any interest therein, whether belonging to the inhabitants of this State or not, and whether tangible or intangible, which shall pass by will or by the intestate laws of this or any other State, of any person who may die seized or possessed of the same, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor or bargainer, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body-politic or corporate, in trust or otherwise, or by reason whereof any person or body-politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the Commonwealth of Kentucky or any other State, and any lineal descendant of such decedent born in lawful wedlock, shall be, and is, subject to a tax of 5 per cent of its market value above the sum of $500.00, after the payment of all debts for the use of the State, to be paid to the sheriff or collector of the proper county, as hereinafter defined, for the general use of the Commonwealth of Kentucky; and all administrators, executors and trustees shall be liable for any and all taxes, until the same shall have been paid as hereinafter directed.

If the person who shall become beneficially entitled in possession or expectancy, to any property, or to the income thereof, is a father, mother, husband, wife, lawful issue, the wife or widow of a son, or the husband of a daughter, or any child or children, adopted as such in conformity with the laws of the Commonwealth of Kentucky, or any other State, or any lineal descendants of such decedent born in lawful wedlock, such property or interest shall be, and is, subject to a tax as follows: On the first $10,000.00 no tax shall be due or

collectible. On the first $25,000.00 or any part thereof above the $10,000.00, two per cent of its market value. On the second $25,000.00 or any part thereof above the $10,000.00, four per cent of its market value. On any sum over $50,000.00 above the $10,000.00, five per cent of the market value.

In determining the amount of tax to be paid under the provisions of this section, after the payment of all debts, the amount exempted shall be deducted from the entire estate situated in this State, and the tax shall be computed and paid on the entire remainder, and the court shall determine the amount of tax to be paid by the several devisees, legatees, grantees, or donees of the decedent.

When at the time of decedent's death he or she is a non-resident of this State and owns property within this State subject to an inheritance tax, such tax shall constitute a lien against such property and may be enforced by the sheriff the same as other liens for taxes. If such property consists of stock in a Kentucky corporation, such stock shall not be transferred until the amount of inheritance tax due has been paid, and no such corporation shall transfer such stock on its books until a receipt is produced from the Auditor of Public Accounts showing that the tax due has been paid, and if such corporation shall so transfer such stock when the tax has not been paid, the corporation shall become liable to the State for the amount of the tax, and twenty per cent penalty, which may be collected as other delinquent taxes are collected.

All inheritance taxes due and unpaid by the estate of a decedent who died a non-resident, or other person, are hereby declared valid, and subsisting taxes against any person receiving property or money from an estate which has failed to pay the taxes due under the inheritance tax laws of this State. All Kentucky corporations upon the demand of the supervisor of revenue agents shall furnish said supervisor a list of all transfers of stock of non-resident decedents made within the last five years past from the date of the passage

of this act, and shall annually thereafter on or before the first day of February furnish such list for each preceding year to said supervisor.

§ 2. That Section 4281m, Kentucky Statutes, Carroll's Edition 1909, which is contained in Article 19, Chapter 108, and reads as follows:

"The County Court in the county in which is situated the real property of a decedent who was not a resident of the State or the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this chapter, and the court first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other,"

be amended so as to read, when amended, as follows:

The County Court in the county in which is situated property of any nature, or kind, of a decedent who was not a resident of the State, or in which the will of said decedent might be probated, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this chapter, and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

The Committee on Kentucky Statutes offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4281j, Kentucky Statutes, Carroll's 1909 Edition, is hereby amended by adding at the end thereof the following words:

"And twenty per cent penalty. All Kentucky corporations, upon demand of the Supervisor of Revenue Agent, shall furnish said Supervisor a list of all transfers of stock

of non-resident decedents made within the last five years prior to February 1st, 1914, and shall annually thereafter on or before the first day of February furnish such list for each preceding year to said Supervisor."

So that said section as amended and re-enacted shall read as follows:

"Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this State standing in the name of a decedent, or held in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the sheriff or collector of the proper county on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax, and twenty per cent penalty. All Kentucky corporations, upon demand of the Supervisor of Revenue Agents, shall furnish said Supervisor a list of all transfers of stock of non-resident decedents made within the last five years prior to February 1st, 1914, and shall annually thereafter on or before the first day of February furnish such list for each proceeding year to said Supervisor."

§ 2. Section 4281m, Kentucky Statutes, Carroll's 1909 Edition is hereby amended by striking out the words "the real property" and inserting in lieu thereof the words "property of any nature or kind," and by inserting after the words "a resident of the State" in line 3 of said section the words "in which the will of said decedent might be probated," so that said section as amended and re-enacted shall read as follows:

"The county court in the county in which is situated property of any nature or kind of a decedent who was not a resident of the State, or in which the will of said decedent might be probated, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this chapter, and the court

first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other."

Said amendment by way of substitute was agreed to.

Mr. Hutchcraft moved that the title to said substitute be amended so as to conform to the title of the bill.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	H. C. Duffy	R.B.Hutchcraft,Jr.
Harry Avery	John C. Duffy	T. R. Jones
Jas. W. Barrall	William Duffy	John A. Judy
Geo. B. Barrett	Thomas J. Evans	Griffin Kelly
J. M. Billeter	Vert C. Fraser	John H. Klette
Henry C. Blades	Frank C. Greene	William J. Kuh
Joseph Boitnott	E. V. Hall	J. C. Lay
Elmer L. Brown	Elwood Hamilton	Simon B. Lott
A. T. Bryson	W. L. Hampton	Dr.J.N.M'Cormack
C. W. Burton	V. D. Hammond	Geo. M. McDowell
J. G. Coke, Jr.	H. H. Harrington	W. T. McNally
George T. Davis	H. H. Hays	J. R. Mount
James R. Dorman	Dr. S. L. Henry	John E. Newman
John W. Douglas	D. H. Hillman	S. Mazyck O'Brien
John Drescher	J. J. Huff	A. W. Palmer

William A. Perry	W. E. Rogers	M. S. Walton, Jr.
John A. Polin	L. M. Smith	James T. Webb
J. D. Pumphrey	Adam Spahn	W. M. Webb
Dr. W. R. Ray	Ed. D. Stone	N. B. White
Stanley F. Reed	W. T. Stott	
S. H. Rogers	Louis Tieman	—61

Those who voted in the negative were—

J. B. Harvey	T. T. Mobley	Lyman J. Parrigin

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Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 421. An Act to repeal and re-enact Section 4281a, Kentucky Statutes, relating to inheritance taxes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4281a, Kentucky Statutes (Carroll's 1909 Edition) be and the same is hereby repealed and in lieu thereof the following section is enacted.

Section 4281a. Tax on property received by inheritance, etc.

Subsection 1. Transfers subject to tax.—All property which shall pass, by will or by intestate laws of this State, from any person who may die seized or possessed of the same

while a resident of this State, or if such decedent was not a resident of this State at the time of death, which property, or any part thereof, shall be within this State, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body-politic or corporate, in trust or otherwise, or by reason whereof any person or body-politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax for the general use of the Commonwealth, upon the fair cash value of such property in excess of the exemptions hereinafter granted and at the rates hereinafter prescribed.

Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof, by any such transfer whether made before or after passage of this act, provided that property or estates which have vested in such persons or corporations before this act takes effect shall not be subject to the tax.

Subsectiin 2. Primary Rates of Taxation.—When the property or any beneficial interest therein passes by any such transfer, where the amount of the property shall exceed in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

Where the person entitled to the beneficial interest in any such property shall be one of Class A (i. e. the husband, wife, lineal issue, lineal ancestor of the decedent, any child adopted as such in conformity with the laws of this Commonwealth, any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, provided such relationship began at or before the child's fifteenth birthday and was

continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child) at the rate of one per cent of the fair market value of such interest.

Where the person entitled to the beneficial interest shall be one of Class B. (i. e. the brother, sister, descendant of a brother or sister, or a widow of a son, or the husband of a daughter of the decedent) at the rate of one and one-half per cent.

Where the person shall be one of Class C (i. e. the brother or sister of the father or mother, or the descendant of a brother or sister of the father or mother of the decedent) at the rate of three per cent.

Where the person is one of Class D (i. e. the brother or sister of the grandfather or grandmother or the descendant of a brother or sister of the grandfather or grandmother of the decedent) at the rate of four per cent.

Where the person is one of Class E (i. e. a person related in any other degree of collateral consanguinity than is mentioned in one of the preceding classes, a stranger in blood, or body-politic or corporate) at the rate of five per cent.

The foregoing rates are for convenience termed primary rates.

Subsection 3. Other Rates of Taxation:

When the fair cash value of such legacy, distributive share, or interest exceeds twenty-five thousand dollars the rates of tax upon such excess shall be as follows:

Upon the excess over twenty-five thousand dollars and up to fifty thousand dollars, one and one-half times the primary rates.

Upon the excess over fifty thousand dollars and up to one hundred thousand dollars, two times the primary rates.

Upon the excess over one hundred thousand dollars and up to five hundred thousand dollars, two and one-half times the primary rates.

Upon the excess over five hundred thousand dollars, three times the primary rates.

Subsection 4. Exemption from Tax. The following exemptions are allowed, to be taken out of the first twenty-five thousand dollars:

To the widow of the decedent and to each minor child of the decedent, ten thousand dollars.

To each other person in Class A, five thousand dollars.

To each person in Class B, two thousand dollars.

To each person in Class C, fifteen hundred dollars.

To each person in Class D, one thousand dollars.

To each person in Class E, five hundred dollars.

Property of any amount bequeathed or transferred to any municipal corporation within this State for public purposes, to institutions of purely public charity, to institutions of education not used or employed for gain by any person or corporation and the income of which is devoted solely to the cause of education, to public libraries, or to any person or persons, society, corporation, institution, or association in trust for any of the purposes above mentioned, shall be exempt from such tax.

§ 2. This act is intended to stand as a whole; and in the event that any part of it is held to be unconstitutional, then no part of the act shall be effective and Section 4281a of the Kentucky Statutes (Carroll's 1909 Edition) shall remain in force.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Thomas J. Evans	Dr.J.N.M'Cormack
Jas. W. Barrall	Vert C. Fraser	Geo. M. McDowell
Geo. B. Barrett	Frank C. Greene	W. T. McNally
Henry C. Blades	E. V. Hall	J. R. Mount
Joseph Boitnott	Elwood Hamilton	John E. Newman
Elmer L. Brown	W. L. Hampton	S. Mazyck O'Brien
A. T. Bryson	V. D. Hammond	A. W. Palmer
C. W. Burton	H. H. Harrington	William A. Perry
Glover H. Cary	H. H. Hays	J. D. Pumphrey
J. G. Coke, Jr.	Dr. S. L. Henry	Stanley F. Reed
George T. Davis	D. H. Hillman	L. M. Smith
James R. Dorman	R.B.Hutchcraft,Jr.	Adam Spahn
John W. Douglas	T. R. Jones	Ed. D. Stone
John Drescher	John A. Judy	Matt. S. Walton,Jr.
H. C. Duffy	Griffin Kelly	James T. Webb
John C. Duffy	John H. Klette	W. M. Webb
Odie Duncan	William J. Kuh	N. B. White
G. P. Durrett	Simon B. Lott	M. O. Wilson

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Those who voted in the negative were—

Benj. L. Cox	T. T. Mobley	S. H. Rogers
M. J. Farris, Jr.	Lyman J. Parrigin	W. E. Rogers
C. M. Gum	Lilburn Phelps	S. M. Saufley
J. B. Harvey	John A. Polin	W. T. Stott
J. J. Huff	Dr. W. R. Ray	J. D. Wills

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Resolved, That the title thereof be as aforesaid.

Mr. Hutchcraft moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on and after the first day of August, 1914, every individual, firm, company or corporation conducting a warehouse business in Kentucky where tobacco is sold at public auction, either prized in hogsheads or sold in the hands loose, shall keep a correct account of the number of pounds of leaf tobacco sold upon the floor of his house daily. On or before the 5th day of each succeeding month the proprietor of the said warehouse shall make a statement under oath of all of the tobacco so sold upon the floor of his warehouse during the past month, and in such report shall designate how the total number or pounds of such tobacco was divided as between the following types or varieties of tobacco: Burley, Green river, one-sucker, dark fired tobacco, and dark tobacco not fired, but not included either in the Green River or one-sucker variety or type, and the price paid for same in dollars and cents, and shall transmit the said statement at once to the Commissioner of Agriculture at Frankfort, Kentucky. The report so made to the Commissioner of Agriculture, on blanks, which shall be furnished by him shall be so arranged and classified as to show the number of pounds of tobacco sold for the producers of tobacco from the first hand; the number of pounds sold for dealers or rehandlers, which shall not include tobacco offered for sale but rejected; and the number of pounds resold by proprietor of the warehouse for his own account or for the account of some other

warehouse where same has been resold and in said other warehouse.

§ 2. The Commissioners of Agriculture shall cause said statements to be accurately copied into a book to be kept for this purpose and shall keep separate and apart the statements returned to him from each leaf tobacco market in the State, so as to show the number of pounds of tobacco sold by each market for the sale of leaf tobacco; the number of pounds sold by producers, and the number of pounds resold on each market; shall keep said book open to the inspection of the public, and shall cause said reports to be published on or before the tenth of said month in any bulletins issued by the agricultural department and in one or more journals published in the interest of the tobacco industry or the farmers, and having a large circulation in this State.

§ 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and each month of delinquency shall be deemed a separate offense.

Mr. Douglas offered the following amendment to said bill:

Amend H. B. 597, page 2, line 22, by adding at the end thereof the following: "Or has been sold previously on some other market."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	E. V. Hall	J. R. Mount
Jas. W. Barrall	Elwood Hamilton	Harry J. Meyers
Geo. B. Barrett	W. L. Hampton	John E. Newman
Henry C. Blades	V. D. Hammond	S. Mazyck O'Brien
Joseph Boitnott	H. H. Harrington	A. W. Palmer
Elmer L. Brown	J. B. Harvey	Lyman J. Parrigin
A. T. Bryson	H. H. Hays	Lilburn Phelps
C. W. Burton	W. E. Henninger	William A. Perry
Glover H. Cary	Dr. S. L. Henry	John A. Polin
J. G. Coke, Jr.	D. H. Hillman	J. D. Pumphrey
Benj. L. Cox	J. J. Huff	Dr. W. R. Ray
George T. Davis	R.B.Hutchcraft,Jr.	Stanley F. Reed
James R. Dorman	T. R. Jones	S. H. Rogers
John W. Douglas	John A. Judy	W. E. Rogers
John Drescher	Griffin Kelly	B. T. Rountree
H. C. Duffy	John H. Klette	S. M. Saufley
John C. Duffy	William J. Kuh	L. M. Smith
William Duffy	J. C. Lay	Adam Spahn
Odie Duncan	Simon B. Lott	Ed. D. Stone
G. P. Durrett	C. R. Luker	W. T. Stott
Thomas J. Evans	Dr.J.N.M'Cormack	Matt.S. Walton,Jr.
M. J. Farris, Jr.	Geo. M. McDowell	James T. Webb
Vert C. Fraser	W. T. McNally	W. M. Webb
Frank C. Greene	John G. Miller, Jr.	N. B. White
C. M. Gum	T. T. Mobley	J. D. Wills

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Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 280. An Act to amend Chapter 60, Session 1910, entitled "An Act to prevent the spread of communicable disease among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State and increase the number of members on the Live Stock Sanitary Board, and to enlarge the powers of said board," and to amend Article 2, Chapter 5 of Kentucky Statutes, relating to the diseases of domestic animals.

Mr. Hamilton moved that said bill be recommitted to the orders of the day.

Said motion was agreed to.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Farris, of the Committee on Agriculture:

S. B. 75. An Act to amend and revise Section 66 and Subsection 2 of Section 68a of Article 3, Chapter 5 of Carroll's Kentucky Statutes, 1909, relating to animals.

By Mr. Hampton, of the Committee on Alcoholic Liquor Traffic:

H. B. 585. An Act to further regulate the brewery and distillery business in the State of Kentucky, making certain acts misdemeanors and prescribing a penalty for the violation thereof.

By Mr. Saufley, of the Committee on Appropriations:

H. Res. 25. A resolution for the benefit of Mrs. Ida Turley.

With amendment thereto by way of substitute therefor.

By same:

S. Res. 12. Resolution to pay Mrs. Biggerstaff the per diem allowance of her deceased husband.

With amendment thereto.

By same:

S. B. 13. An Act to provide for the representation of the State of Kentucky at the Panama-Pacific International Expedition at San Francisco, Cal., celebrating the opening and commercial use of the Panama Canal, and making an appropriation therefor.

By same:

H. Res. 31. Joint resolution authorizing a survey of a portion of the State line separating this State from the States of Virginia and West Virginia.

By same:

H. B. 508. An Act for the benefit of Mrs. Lucy Hanks.

By Mr. O'Brien, of the Committee on Municipalities:

H. B. 485. An Act to amend an Act approved March 1, 1910, being Chapter 50 of the Acts of 1910, entitled "An Act

to amend an Act entitled 'An Act for the government of cities of the second class in the Commonwealth,' which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said Act and amendments now appear as Article 3, of Chapter 89, of the Kentucky Statutes.

By Mr. Hammond, of the Committee on Education No. 1:

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and Sections 4501 to 4503 inclusive, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, relating to the examination and qualification of teachers.

By Mr. Frost, of the Committee on Military Affairs:

H. B. 533. An Act to amend Chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled an Act to provide for the organization, armament, equipment, discipline and government of the militia.

By Mr. Smith, of the Committee on Kentucky Statutes:

H. B. 625. An Act to amend section 107 of Kentucky Statutes, Carroll's Edition 1909, relative to attorneys' liens for fees, notice of and rights of parties to compromise.

By same:

H. B. 587. An Act to amend an Act enittled "An Act to repeal Sub-section 5 of Section 1403, Kentucky Statutes, and substitute therefor, which act relates to personal property set aside to widow or infants of an intestate," which was approved March 13, 1912.

By same:

H. B. 624. An Act to amend Section 3512 of the Kentucky Statutes for the purpose of providing a judge in the absence of the regular police judge.

By same:

S. B. 303. An Act to amend an Act entitled "An Act to incorporate the Ky. Institute for the Education of the Blind and to provide for the regulation thereof."

Said bills were severally read the first time at length and ordered to be placed on the calendar.

And then the House adjourned.

WEDNESDAY, MARCH 11, 1914.

The House was opened with prayer by the Rev. F. W. Eberhardt, of the First Baptist Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Hamilton called up from the Clerk's desk for consideration a resolution of the following title:

H. Res. 36. Resolution providing for furnishing Kentucky Directories.

(For said resolution see House Journal of March 7th.)

The yeas and nays being taken on the adoption of said resolution, in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Peter Ampler	W. L. Hampton	S. Mazyck O'Brien
Harry Avery	V. D. Hammond	A. J. Oliver
Geo. B. Barrett	H. H. Harrington	A. W. Palmer
J. M. Billeter	J. B. Harvey	Lyman J. Parrigin
Henry C. Blades	Dr. S. L. Henry	John A. Polin
Joseph Boitnott	D. H. Hillman	W. A. Price
Elmer L. Brown	J. J. Huff	J. D. Pumphrey
A. T. Bryson	R.B.Hutchcraft,Jr.	Dr. W. R. Ray
C. W. Burton	J. M. Johnson	Stanley F. Reed
Ed. F. Cecil	T. R. Jones	B. T. Rountree
J. G. Coke, Jr.	John A. Judy	S. M. Saufley
Benj. L. Cox	Griffin Kelly	A. W. Sharp
James R. Dorman	John H. Klette	L. M. Smith
John W. Douglas	William J. Kuh	Adam Spahn
John Drescher	J. C. Lay	Ed. D. Stone
H. C. Duffy	Simon B. Lott	W. T. Stott
W. N. Flippin	Dr.J.N.M'Cormack	Louis Tieman
Vert C. Fraser	Geo. M. McDowell	N. C. Tilford
John F. Fryer	John McDyer	M. S. Walton, Jr.
C. M. Gum	J. R. Mount	James T. Webb
E. V. Hall	Zach. L. Myers	W. M. Webb
Elwood Hamilton	John E. Newman	M. O. Wilson

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And so said resolution was adopted.

Mr. Walton called up from the Clerk's desk for consideration a resolution of the following title:

H. Res. 35. Resolution to authorize Thomas C. Holloway, late major in medical corps of the Kentucky State Guard, to sue the Commonwealth of Kentucky in the Frank-

lin Circuit Court, for the balance due him for services rendered to two members of the militia.

Said resolution was adopted.

Under and by virtue of the authority vested in him in a resolution proposed by Mr. Greene and adopted on March 5th, the Speaker of the House appointed the following committee to carry out the provisions of said resolution, viz.: Messrs. Frank C. Greene, J. D. Pumphrey, H. C. Duffy.

A message was received from the Senate announcing that they had passed a bill originating in that body, of the following title:

S. B. 268. An Act to amend an Act of March 5, 1898, entitled "An Act to create a Board of Penitentiary Commissioners and to regulate the penal institutions of this Commonwealth," as further amended by an Act of March 1, 1912, and to provide for the discontinuance of the contract system of prison labor.

To the Committee on State Prisons and House of Reform.

Mr. H. J. Meyers moved that the rules be suspended; that Governor Thorne be extended the privilege of being on the floor of this House today.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 130. An Act to further regulate common carriers and prescribing the duties and powers of the Railroad Commission.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term common carrier or common carriers, wherever used in this act, shall mean and embrace Railroad Companies, Express Companies, Sleeping-car Companies, Steamboat Companies, Bridge Companies, Interurban Electric Railway Companies, and any other corporation or company engaged in the transportation of goods or passengers for hire or compensation wholly within this State by rail or boat however propelled, but shall not embrace the operation of street car companies wholly within the limits of any city or town within the State; and the word carrier wherever used in this act shall mean and include common carriers.

§ 2. The provisions of this act shall apply to the receiving, transmitting and delivering and to all charges connected with the transportation of passengers or property wholly within this State and to the receiving, switching, delivering, storing and handling of such property and to all charges connected therewith and shall apply to all carriers that shall do business upon or over any line of railroad within this State and to all common carriers engaged in the transportation of passengers or property wholly by rail or water or partly by rail and partly by water.

§ 3. Every common carrier is hereby required to furnish reasonably adequate service and facilities and the charges made for any service rendered or to be rendered in the transportation of passengers or property or for any service in connection therewith or for receiving, switching, delivering, storing or handling of such property shall be reasonable and just; and every unjust and unreasonable charge for such service and every unreasonable classification, regulation, rule or practice and all services and facilities which are not reasonably safe and adequate are prohibited and declared to be unlawful.

§ 4. Every common carrier shall print or publish in legible form schedules or tariffs showing all the fares, rates and charges for the transportation of persons or property and any service in connection therewith between different points on its own route in the State of Kentucky and between points on its own route and points on the route of any other carrier in the State of Kentucky when a through route and joint rates have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file and print or publish in legible form the separately established rates, fares and charges applied to the through transportation. Such schedule shall be plainly printed or published in a legible form and a copy, for the use of the public, shall be kept in every depot or station of such common carrier convenient for public inspection where freight or passengers are received for transportation and a copy shall be filed by each common carrier with the Railroad Commission. It shall only be necessary for said schedules or tariffs to show all rates applicable to all points from said station and a notice to that effect shall be kept posted in two public and conspicuous places in every depot or station where goods or passengers are received for transportation, provided an agent is maintained at said depot or station. If, however, an agent is not maintained at said depot or station where passengeres and property are received for transportation, then the provisions of this act shall apply to the next nearest station or depot where an agent is maintained and the billings are made out.

§ 5. When passengers or property are transported over two or more connecting lines of railroad between points in this State and the railroads have made joint rates for the transportation of same, such rates and all charges in connection therewith shall be just and reasonable and every unjust and unreasonable charge is prohibited and declared to be unlawful; provided, that a less charge by each of said railroads for its transportation of such joint rates than is

made locally between the same points on the respective lines shall not for that reason be construed as a violation of law nor render such carrier liable to any penalty except as otherwise provided herein.

§ 6. No change shall be made in the rates, fares or charges which have been filed and published by any carrier in compliance with this act except after not less than thirty days' notice to the Commission and to the public, published as aforesaid, and any changes to be made in the schedules or tariffs then in force and the date of said proposed effective change shall be shown by new schedules or supplements thereto, printed or published in a legible form; the back of said schedule shall indicate the page on which the proposed change or changes may be found and the particular change or changes shall be indicated by a star or stars opposite thereto; provided, that the Commission may, in its discretion, and for good cause shown, enter an order of record allowing changes in the tariff or schedule upon less time or modify the requirements of this act in respect to publicly posting notices and filing of tariffs either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. And provided, further, that any change ordered by the Railroad Commission under Section 820a, Carroll's Edition, 1909, Kentucky Statutes, or under any provision of this act, shall take effect as provided herein.

§ 7. It shall be unlawful for any carrier to charge, demand, collect, or receive a greater or less compensation for the transportation of property or for any service rendered in connection therewith than is specified in such printed schedules or tariffs, including schedules or joint rates, as may at the time be in force, and the rates, fares and charges specified therein shall be the lawful rates, fares and charges until the same are changed as provided in Section 820a, Carroll's Edition, 1909, Kentucky Statutes, or under the provisions of this act.

§ 8. The Commission may prescribe such changes in

the form in which the schedules are issued by the carrier as may be found expedient.

§ 9. The Railroad Commission shall have the same power to regulate the existing joint rates of two or more carriers wholly within the State of Kentucky that it now has to regulate the rates of a single carrier or that it may have to regulate the rates of a single carrier under the provisions of this act and may also, after due notice to the carriers, hear complaints and establish a through route and prescribe a just and reasonable maximum joint rate to be charged for the transportation of persons or property over such route provided no just and reasonable through route or joint rate exists, and also prescribe an equitable division of such joint rate whenever the carriers themselves shall refuse or neglect to fully establish such through route or such division of such joint rate. Any order of the Railroad Commission made under this section shall take effect and be in force after the expiration of ten days from the time the same shall be entered of record on the order book of the Commission and a copy thereof certified by the Secretary of the Commission mailed to any officer, agent or attorney of the railroad affected thereby; and said order may be revoked or modified by an order likewise entered of record; and any carrier or official, agent or employe of a carrier knowingly or wilfully failing to comply with any order of the Commission made and entered under the provisions of this section, or which shall knowingly and wilfully charge, demand, collect or receive any joint rate in excess of that prescribed by the order of this Commission or its proportion of said joint rate in excess of that prescribed by the order of said Commission, or which shall knowingly and wilfully fail to establish such joint rate or through route when prescribed by an order of the Commission under this section, shall be guilty of a misdemeanor and upon conviction shall be fined for the first offense in any sum not exceeding two hundred and fifty dollars, and for the second offense in any sum not exceeding five

hundred dollars, and for the third and each succeeding offense in any sum not exceeding two thousand five hundred dollars, and any prosecution for a violation of said section shall be a bar only to those offenses growing out of similar acts or transactions, if any, which have occurred prior to the indictment or penal action upon which a trial and conviction is had, and it shall be the duty of the chairman of the Railroad Commission, when said Commission shall have knowledge or receives information that this section has been or is being violated, to present the facts to the grand jury of the Circuit Court having jurisdiction over the offense.

§ 10. The Circuit Court of any county into or through which the line or lines of a carrier run violating the provision of the next preceding section and the Franklin Circuit Court shall have jurisdiction of the offense against the carrier and the circuit court of the county into or through which said line or lines run when the next preceding section has been violated by an officer, agent or employe of said carrier, shall have jurisdiction in prosecutions against said officer, agent or employe.

§ 11. Whenever any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society or municipal organization files a complaint with the Railroad Commission before any change or changes in any schedule, including schedule of joint rates, or before any change in any classification, rule, regulation or practice becomes effective as provided under this act, to the effect that such change or changes, classification, rule, regulation or practice are unreasonable or unjustly discriminatory, it shall be the duty of the Commission to give ten days' notice to the carrier complained of that complaint has been made and to proceed to investigate the same and to order a hearing thereon in the manner provided for hearings under Section 820a, Kentucky Statutes, Carroll's Edition, 1909; and the Commission may in its discretion stay such change or changes pending such investigation and the determination of the mat-

ters investigated by issuing an order to that effect at any time before said change or changes shall take effect as provided under this act.

If, upon such investigation, the change or changes complained of, or any rule, regulation or practice complained of, shall be found unreasonable or unjustly discrminatory, such change or changes, rule, regulation or practice shall not take effect if the same have been stayed as hereinbefore provided and in case no such stay has been ordered and such change or changes, rule, regulation or practice have become effective pending such investigation, the Commission shall have authority to order the discontinuance of such change or changes, rule, regulation or practice. The Commission shall also have authority, upon such investigation, to fix and order substituted for any change or changes such a rate or rates, joint rate or rates, fares, charges, classification, rule, regulation, practice or service as the case may be, as it shall have determined to be just and reasonable, and which shall be charged, imposed or followed in the future, and shall also have authority to make such orders respecting such rule, regulation, practice or service as it shall have determined to be reasonable and which shall be observed and followed in the future.

§ 12. Whenever and wherever a duty or obligation is imposed upon a carrier by law or under the provisions of this act which relates to the rates, classification, fares, charges, service, rule, regulation or practice of a common carrier the same shall be under the supervision and regulation of the Railroad Commission, which shall have authority, after due notice and hearing as provided under Section 820a Carroll's Edition, Kentucky Statutes, to issue an order fixing just and reasonable rates or prescribing any just and reasonable rule, regulation or practice to be thereafter charged, followed and observed by the carrier, and such rates, classification, charges, fares, rule, regulation or practice so ordered shall be substituted for the rates, classification, charges, fares, rule, regulation or practice then in force by the carrier.

§ 13. Nothing in this act shall be construed to prevent concentration, commodity transit and other special contract rates; but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions, and shall be subject to the provision of this act as to the printing and filing of the same and all such rates shall be under the supervision and regulations of the Railroad Commission.

§ 14. There shall be but one classification of freight in the State which shall be just, fair and uniform on all carriers of the same kind or class and under the supervision and regulation of the Railroad Commission.

§ 15. Nothing in this act shall prevent the carriage, storage or handling of freight free or at reduced rates for the United States, the State or any county or any municipality thereof, or for charitable purposes; or to or from fairs and expositions for exhibition thereat, or household goods which are the property of carrier's employes or commodities shipped by employes for their own exclusive use and consumption; or the issuance of mileage, commutation or excursion passenger tickets, provided the same shall be obtainable by any person applying therefor without discrimination; or of party tickets, provided the same shall be obtainable by all persons applying therefor under like circumstances and conditions; or the sale of tickets at reduced prices to and from watering places, summer resorts, expositions, centennials, State and county fairs; or to or from public gatherings; provided the same are sold without discrimination against any political party or religious organization and are sold to all persons applying therefor under like circumstances and conditions. Provided, further, this act shall not be construed as preventing carriers from giving free transportation or reduced rates to inmates of soldiers' homes, to any minister of the gospel, officials or agents of incorporated colleges, regular agents of charitable societies and eleemosynary institutions only when traveling upon the business of the home, society, college or institution; destitute and homeless persons, carrier's offi-

cers, attorneys, physicians, directors, employes or members of their families, or to former carrier employes or members of their families where such employes have become disabled in the carrier's service or are unable, from physical disqualifications, to continue in the service; or to members of families of deceased employes; or to prevent the exchange of passes with officers, attorneys or employes of other carriers and members of their families; provided, further, this act shall not be construed as preventing carriers from giving free transportation or reduced rates to employes on sleeping cars, express cars and to linemen of telegraph and telephone companies, to railway mail service employes, post-office inspectors, customs inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation or complaint in which the common carrier is the plaintiff or defendant, persons injured in wrecks and physicians and nurses attending such persons, and the provisions of this act shall not prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence and other calamitous visitations. Provided, further, that upon any shipment of live stock or other property of such nature as to require the care of an attendant, the carrier may furnish to the shipper, or some person or persons designated by him, free transportation for an attendant or attendants, including return passage to the point from which the shipment originated; and there shall be no discrimination in reference thereto between such shippers; and the Railroad Commission shall have authority to prescribe regulations in relation thereto. Nothing herein shall be construed as repealing the provisions of Section 804a, Kentucky Statutes, Carroll's Edition, 1909.

§ 16. Except as is provided by this act it shall be unlawful for any carrier to give free transportation of passengers or property wholly within this State to any person, firm, company or corporation or to transport persons or property

wholly within this State for any other compensation than that prescribed by its schedules and tariffs.

§ 17. Any carrier violating the provisions of Sections 15 and 16 of this act, and any person, corporation or firm knowingly or wilfully receiving free transportation or transportation at reduced rates except as permitted by this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one thousand dollars.

§ 18. Any state, district, city, town or county officer or member of the General Assembly, or member of the Railroad Commission, or judge who shall accept or use free transportation or who shall knowingly and wilfully receive or use tickets or transportation at reduced rates prohibited by this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not to exceed one thousand dollars, and any person convicted, as aforesaid, shall forfeit his office, and the office so held by said person shall be declared vacant by a judgment and order of the court in which said trial and conviction is had.

§ 19. All carriers shall keep and maintain adequate and suitable freight and passenger stations, depots, buildings, switches and side-tracks for the receiving, handling and delivering of freight and passengers transported or to be transported by such carriers.

§ 20. It shall be the duty of every carrier to adopt reasonably adequate safety measures and install, operate and maintain reasonably adequate safety devices for the protection of life nd property. If, after investigation, the Railroad Commission shall determine that public safety requires the installation, operation and maintenance of a block system or other safety devices or measures by any carrier, the Commission may, after due notice and hearing, order such carrier to install, operate and maintain a block system or other safety devices or measures as may be necessary to render the operation of such carrier reasonably safe, and the Commission may establish reasonable rules, regulations,

specifications and standards for the installation, operation and maintenance of all safety devices and measures.

§ 21. Whenever complaint is filed with the Railroad Commission to the effect that a public highway and railroad cross one another at the same level and that such grade crossing is unsafe and dangerous to the travelers over such highway or railroad, it shall be the duty of said Commission to give notice to the railroad company in interest of the filing of such complaint, and to furnish copy of same to the railroad company and to order a hearing thereon in the manner provided in Section 820a, Carroll's Edition, 1909, Kentucky Statutes. If, upon such hearing, it shall appear to the satisfaction of the Commission that the crossing complained of is unsafe and dangerous to human life, said Commission may order and direct the railroad company to erect gates at said crossing and place an agent in charge to open and close the same when an engine or train passes, or that a flagman be stationed at such crossing, who shall display a flag when an engine or train is about to pass, or that such crossing shall be provided with an electric signal or other device as the Commission determines; and such railroad company shall comply with the terms of such order.

§ 22. All shipments of intrastate freight shall be correctly weighed and all empty cars which are used for carrying intrastate freight in carload lots shall be correctly weighed and the Railroad Commission shall have authority, upon notice and hearing, to issue just and reasonable orders and rules relative to the weighing of freight shipped in carload lots and empty cars when said shipments move to and from points wholly within this State.

§ 23. The Commission shall have power to make and prescribe reasonable rules and regulations for furnishing cars to shippers for intrastate shipments and for moving and switching the same and for the loading and unloading thereof, and for storing intrastate freight and to test the

scales and weights used by any carrier in weighing such freight and cars.

§ 24. Any carrier failing to furnish a shipper car or cars for intra-state shipments within a reasonable time and under ordinarily reasonable conditions to be prescribed by the rules and orders of the commission, which rules and orders shall be made after due notice to the public and the carrier affected thereby, shall forfeit to the shipper twenty-five dollars for each car which the carrier fails or refuses to furnish, to be recovered by the shipper in any court of competent jurisdiction, and said carrier shall be liable, in addition thereto, for all actual damages sustained thereby which may be recovered in the same action.

§ 25. It shall be unlawful for any railroad company or other common carrier to combine with or to make any contract or agreement or to have any understanding with the owners, agents or employes of any vessel or steamboat line that makes port in this State by which combination, contract or agreement the earnings of the one doing the carrying are to be shared by the other not doing the carrying, and no carrier by rail shall direct, control or influence by any agreement, contract or understanding the rates of any carrier by water or own or control any stock or bonds of any company or corporation engaged in any transportation by water, and it shall be the duty of the Railroad Commission to enforce the provisions of this act, and to this end said Commission shall have the power and authority to make a full and complete investigation of any alleged violation of the provisions of this section and to summons before it any officers, agents or employes of any carrier by rail or water who shall be required to testify on oath concerning all matters inquired into by said Commission touching the violation of the provisions of this section, and after said investigation the Commission shall have authority, if in its opinion or judgment, the provisions of this section are being violated, to issue orders prescribing rules and regulations to prevent the

further violation of the provisions of this section, and if thereafter any carrier by water or rail shall violate any order issued by said Commission under the provisions of this section, said carrier by water or rail, its agents, servants and employes, shall be deemed guilty of a misdemeanor, and shall be subject to the same penalty and be proceeded against in the same manner as is provided herein for a violation of Section 8 of this act. Provided, however, that the provisions of this section shall not apply to such water transportation carried on by railroad companies as are necessarily incident to the reasonable conduct of the carrier's business by rail.

§ 26. Whenever a carrier by rail shall in competition with a water route or routes, reduce the carriage on any species of freight to or from competitive points, it shall not be permitted to increase such rates, unless after hearing by the Railroad Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

§ 27. If any common carrier subject to the provisions of this act, after written request made upon the agent of such carrier as provided herein, by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedules or tariffs to which such carrier is a party, shall refuse or omit to give such written statement within a reasonable time, or shall misstate in writing the applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission, or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering into any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then said carrier shall be guilty of a misdemeanor, and upon conviction shall

be fined in any sum not to exceed two hundred and fifty dollars. It shall be the duty of every carrier by railroad to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station, it shall be sufficient to address such request in substantially the following form: "The Station Agent of the.....Company at..... .....Station," together with the name of the proper postoffice, inserting the name of the carrier company and of the station in the blanks, and to serve the same by depositing the request so addressed, with postage thereon prepaid, in any postoffice; provided, that this section shall apply to depots or stations where an agency is maintained and in case no agency is maintained at said station or depot, then the provisions of this section shall apply to the next nearest station or depot where an agent is maintained and the billings made out.

§ 28. It shall be the duty of any sheriff or deputy in the Commonwealth of Kentucky to execute all summons and orders necessary to be issued by the Commission under the provisions of this act and make return to the chairman of the Commission how they have executed said subpoenas and orders.

§ 29. Any common carrier, agent or employe violating any of the provisions of this act, or any official, agent or servant of any common carrier who shall fail or refuse to do or perform any duty or obligation required to be done or performed by common carriers as provided by law or under the provisions of this act, and any common carrier, official, agent or employe who fails or refuses to comply with any order of the Railroad Commission made and entered pursuant to and in conformity with the provisions of this act,

shall be deemed guilty of a misdemeanor, and upon conviction, if no other penalty is provided by law or by the provisions of this act, shall be fined in any sum not to exceed five hundred dollars for each offense.

§ 30. The circuit courts having jurisdiction under the provisions of the Civil Code of Practice and also the Franklin Circuit Court, shall have jurisdiction and authority to enforce all orders of the Railroad Commission and the chairman of the Commission shall have authority to file a petition in equity in the name of the Commonwealth, invoking the aid of any circuit court having jurisdiction as provided herein, to compel any common carrier to obey, execute, comply with or make effective any order of the Commission made in pursuance of this act, and such common carrier shall be summoned and the issues joined by the pleadings and the cause docketed and tried as in other suits in equity, except that the transcript of the evidence offered before or heard by the Commission, or a properly certified copy thereof, and the record of all other proceedings in the cause before the Commission, or a certified copy thereof, shall be filed in the court and made a part of the record in the cause, and no evidence shall be introduced on the hearing in court by either party other than said evidence offered before or heard by the Commission, except such evidence as the court shall be satisfied from affidavits or sworn testimony could not, by the exercise of reasonable diligence, have been produced at the hearing before the Commission. And if additional testimony be introduced in court, the cause shall be remanded to the Railroad Commission with authority to alter, change, modify or affirm its original order before the rendition of judgment by the court in reference to the order or orders of the Commission. From the judgment of the court appeal shall lie to the Court of Appeals by either the Commission or the carrier, and all proceedings in court under this act shall have precedence over all other causes except criminal cases. It shall be the duty of the Attorney Gen-

eral of the Commonwealth to represent the Railroad Commission in the proceedings provided for herein. The proceedings provided for under this section of this act shall not be exclusive of, but in addition to, other proceedings and penalties provided by law.

§ 31. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

§ 32. All laws and parts of laws inconsistent with this act are hereby repealed.

The Committee on Public Utilities offered the following amendments to said bill:

Amend H. B. 130. That Section 20 be stricken out and in lieu thereof insert the following:

Section 20. It shall be 'the duty of every carrier' to adopt reasonable, adequate safety measures and install, operate and maintain reasonable, adequate safety devices for the protection of life nd property. If, after investigation, the Railroad Commission shall determine that public safety requires the installation, operation and maintenance of safety devices or measures by any carrier, the Commission may, after due notice and hearing, order such carrier to install, operate and maintain such safety devices or measures as may be necessary to render the operation of such carrier reasonably safe, except that if the safety device or measure shall be a block system or other device for universal use over the entire line, then in that event the Commission shall recommend legislation to the General Assembly for the purpose of enacting laws relating thereto. The Commission shall have the power to establish rules, regulations, specifications and standards for the installation, operation and maintenance of all safety devices and measures.

That Section 24 be amended by striking out the words "twenty-five dollars" and inserting in lieu thereof the words "ten dollars."

Said amendments were agreed to.

Mr. Greene moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Harry Avery	H. H. Hays	Dr. T. J. Poteet
Henry C. Blades	W. E. Henninger	Richard Radcliffe
Glover H. Cary	Dr. S. L. Henry	Dr. W. R. Ray
J. G. Coke, Jr.	D. H. Hillman	Stanley F. Reed
Benj. L. Cox	T. R. Jones	S. H. Rogers
John Drescher	Griffin Kelly	W. E. Rogers
John C. Duffy	John H. Klette	S. M. Saufley
Odie Duncan	Simon B. Lott	L. M. Smith
G. P. Durrett	Dr.J.N.M'Cormack	Ed. D. Stone
Thomas J. Evans	Geo. M. McDowell	Claude B. Terrell
Vert C. Fraser	John McDyer	M. S. Walton, Jr.
Frank C. Greene	John G. Miller, Jr.	James T. Webb
E. V. Hall	T. T. Mobley	J. D. Wills
Elwood Hamilton	John E. Newman	Roy S. Wilson
W. L. Hampton	A. W. Palmer	Claude B. Terrell
H. H. Harrington	William A. Perry	—47

Those who voted in the negative were—

Wallace Bailey	M. J. Farris, Jr.	A. J. Oliver
Jas. W. Barrall	C. M. Gum	Lilburn Phelps
Geo. B. Barrett	V. D. Hammond	John A. Polin
J. M. Billeter	J. J. Huff	J. D. Pumphrey
Elmer L. Brown	John A. Judy	B. T. Rountree
C. W. Burton	William J. Kuh	A. W. Sharp
Ed. F. Cecil	J. C. Lay	Adam Spahn
Geo. T. Davis	C. R. Luker	W. M. Webb
James R. Dorman	W. T. McNally	N. B. White
John W. Douglas	J. R. Mount	M. O. Wilson
H. C. Duffy	Harry J. Meyers	
William Duffy	Zach. L. Myers	—34

Resolved, That the title thereof be as aforesaid.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. H. J. Meyers moved that this House do now recess until after the unveiling of the statue of Governor William Goebel.

Said motion was agreed to.

AFTERNOON SESSION.

At 3:30 the House reconvened.

Mr. H. J. Meyers moved that the rules be suspended, that he be permitted to offer at this time a resolution.

Said motion was agreed to.

Mr. Meyers offered the following resolution:

Be it resolved by the House of Representatives, the Senate concurring:

That the program, together with the addresses delivered by Governor James B. McCreary, Ex-Governor J. C. W. Beckham and the Honorable Augustus Owsley Stanley, at the unveiling of the monument of Governor William Goebel, be spread at large on the Journals of the House of Representatives and the Senate, and that the Committees of the House and Senate having in charge the unveiling ceremonies obtain and deliver to the Clerks of the House and Senate copies of the addresses delivered by Governor James B. McCreary, Ex-Governor J. C. W. Beckham and the Honorable Augustus Owsley Stanley.

Mr. H. J. Meyers moved that the rules be suspended, that said resolution be adopted.

Said motion was agreed to.

Said resolution was adopted.

The following pairs were presented to the Clerk:

We, the undersigned members of the lower house of the General Assembly, holding contrary opinions upon the Finn Bill, H. B. 130, have agreed to pair on said bill so that J. M. Johnson may go to his room, he (Johnson) being ill. It is understood that O'Brien is against said bill and Johnson for same.

Signed,

J. M. JOHNSON, for
S. M. O'BRIEN, against.

R. B. Hutchcraft and L. J. Parrigin are paired on H. B. 130; if voting, Hutchcraft would vote aye and Parrigin

no. This agreement is not to be effective if 51 votes are necessary to pass the bill.

R. B. HUTCHCRAFT, JR.,
L. J. PARRIGIN.

Mr. Hamilton moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Saufley moved that at 6:00 o'clock p. m. a call of the committees be had for reports and that the calendar be read.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in that body of the following titles:

S. B. 153. An Act to amend Section 3290 in sub-division 2 of Article 4, Chapter 89, Kentucky Statutes and providing for the oiling of streets in cities of the third class.

To the Committee on Municipalities.

S. B. 215. An Act to repeal an Act entitled "An Act to amend the charter of the Twelve Mile Turnpike Company," approved January 22, 1867, and is Chapter 1069 of the Session Acts of 1867, and is Chapter 62 of the Session Acts of 1898.

To the Committee on Public Roads and Highways.

S. B. 121. An Act to amend an Act entitled "An Act for the creation and regulation of private corporations," be-

ing an Act relating to the subject of insurance and the transaction of the business of life and casualty insurance, or both life and casualty insurance, upon the co-operative or assessment plan.

To Committee on Insurance, Life and Accident.

Mr. Phelps moved that the rules be suspended, that he be permitted to introduce a bill.

Said motion was agreed to.

By Mr. Phelps:

H. B. 635. An Act to repeal and re-enact Section 2557, Kentucky Statutes, Carroll's Edition 1909, relating to the illegal sale of intoxicating liquors in local option territory.

To Committee on Alcoholic Liquor Traffic.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 75. An Act to regulate the payment of wages by employers.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All corporations, firms, companies, or persons doing business in this State employing mechanics, laborers and train men shall pay in full the wages due their employees at periods not further apart than fifteen days, and the failure to pay the wages of any employee according to the provisions of this Act shall be punishable upon conviction by a fine of

not less than ten dollars nor more than fifty dollars for each offense, and the court of the county in which such employee is employed shall have jurisdiction of all prosecutions under this Act.

Mr. Roy S. Wilson offered the following amendment to said bill:

Amend by adding immediately after the word "act," in line 8, the following: "Provided, that payment of wages in paper, script, certificate or metal that is not redeemable by the employer to the holder at face value, shall be deemed a violation of this Act; and provided, that nothing in this Act shall apply to farm labor."

Said amendment was agreed to.

Mr. Judy offered the following amendments to said bill:

Amend by striking out in line 2 of Section 1 thereof the words "train men," and insert in lieu thereof the following: "shop employes only, of railway companies."

Said amendment was agreed to.

Mr. Douglas moved the previous question.

Said motion was agreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Geo. B. Barrett	W. L. Hampton	John E. Newman
Joseph Boitnott	V. D. Hammond	A. W. Palmer
Elmer L. Brown	H. H. Harrington	Lilburn Phelps
A. T. Bryson	H. H. Hays	William A. Perry
Glover H. Cary	W. E. Henninger	W. A. Price
Ed. F. Cecil	Dr. S. L. Henry	Richard Radcliffe
J. G. Coke, Jr.	D. H. Hillman	Dr. W. R. Ray
Benj. L. Cox	R.B.Hutchcraft,Jr.	Stanley F. Reed
Geo. T. Davis	T. R. Jones	B. T. Rountree
John W. Douglas	John A. Judy	S. M. Saufley
John Drescher	Griffin Kelly	A. W. Sharp
John C. Duffy	John H. Klette	W. A. Shawler
William Duffy	William J. Kuh	L. M. Smith
Odie Duncan	Simon B. Lott	Adam Spahn
G. P. Durrett	C. R. Luker	Ed. D. Stone
Thomas J. Evans	Dr.J.N.M'Cormack	Louis Tieman
M. J. Farris, Jr.	John McDyer	M. S. Walton, Jr.
W. N. Flippin	W. T. McNally	James T. Webb
Vert C. Fraser	John G. Miller, Jr.	M. O. Wilson
Frank C. Greene	T. T. Mobley	Roy S. Wilson
E. V. Hall	Harry J. Meyers	
Elwood Hamilton	Zach. L. Myers	—64

Those who voted in the negative were—

Jas. W. Barrall	S. Mazyck O'Brien	S. H. Rogers
James R. Dorman	Geo. M. McDowell	W. E. Rogers
H. C. Duffy	A. J. Oliver	W. M. Webb
C. M. Gum	John A. Polin	N. B. White
J. R. Mount	Dr. T. J. Poteet	—16

Mr. Roy S. Wilson offered the following amendment to the title of said bill:

Amend title to H. B. 75 as follows: By striking out all words in same after the word "act" and inserting in lieu thereof the following: "prescribing manner of payment of wages by corporations."

Said amendment was agreed to.

Resolved, That the title thereof be as amended.

Mr. Klette moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in that body of the following titles:

S. B. 91. An Act to regulate the labor and employment of children and minors and to make the provisions thereof effective.

To the Committee on Judiciary.

S. B. 7. An Act to amend and re-enact Section 4023 of the Kentucky Statutes, Carroll's Edition 1909, relating to revenue and taxation.

To Committee on Kentucky Statutes.

S. B. 31. An Act to provide a deputy or clerk for the coroner of counties in the Commonwealth having a population of two hundred thousand or over.

To Committee on Kentucky Statutes.

S. B. 68. An Act creating the office of District Detec-

tive to the Commonwealth Attorney in all counties having two divisions of the Circuit Court.

To Committee on Judiciary.

S. B. 118. An Act to amend Section 882 in Chapter 32 of Kentucky Statutes for the purpose of giving to the owners of memberships in such religious, charitable and educational corporations, societies and associations as are composed of members (in lieu of stockholders) the right to amend the charter or article of incorporation thereof.

To Committee on Kentucky Statutes.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 59. An Act to establish a Board of Examiners for trained nurses and to regulate the practice of professional trained nursing in the State of Kentucky.

H. B. 183. An Act relating to the establishment, protecting and building of levees for the public benefit.

H. B. 494. An Act to amend and re-enact Article 1, Chapter 52, of the Kentucky Statutes, Edition of 1909, being Section 1833 to 1851 inclusive, entitled, "Fiscal Courts" as amended by an Act entitled "An Act to amend Section 1850 of the Kentucky Statutes, Edition of 1909," being Chapter 116 of Acts of 1910.

H. Res. 20. Joint resolution petitioning Congress to enact a law permitting the growers of tobacco to twist the tobacco of their own raising and sell same free of any tax or license.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Pumphrey, of the Committee on Charitable Institutions:

H. B. 496. An Act to provide for the inspection of all public and private charitable and reformatory institutions.

By Mr. J. T. Webb, of the Committee on Judiciary:

S. B. 25. An Act to repeal Section 950, Kentucky Statutes.

By Mr. Poteet, of the Committee on Public Health:

H. B. 589. An Act to regulate the sale of methyl alcohol, commonly known as wood alcohol.

By Mr. O'Brien, of the Committee on Municipalities:

S. B. 205. An Act to amend and re-enact Article 1, Chapter 52, of the Kentucky Statutes, Edition of 1909, being Sections 1833 to 1851 inclusive, entitled, "Fiscal Courts" as amended by an Act entitled "An Act to amend Section 1850 of the Kentucky Statutes, Edition of 1909," being Chapter 116 of the Acts of 1910.

By Mr. Hutchcraft, of the Committee on Banks and Banking:

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912, relating to the incorporation of banks, combined banks and trust companies and to amend Section 6 of said Act by providing for the employment of an additional bank examiner.

By Mr. Walton, of the Committee on Public Utilities:

S. B. 281. An Act to regulate express companies and place their supervision under the Railroad Commission, and to give the Railroad Commission power to regulate the rates that may be charged by them.

By Mr. Harrington, of the Committee on Federal Relations:

S. B. 76. An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a National Forest Reserve in said State.

By Mr. Z. L. Myers, of the Committee on State Capitol:

S. B. 313. An Act changing the name of the Capitol Square Police to Executive Marshal, and prescribing his duties and fixing his compensation.

By Mr. Roy S. Wilson, of the Committee on Insurance, Life and Accident:

H. B. 591. An Act to provide for the organization and management of mutual employers' liability insurance companies.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar bills of the following titles:

S. B. 75. An Act to amend and revise Section 66 and sub-section 2 of Section 68a, of Article 3, Chapter 5, of Carroll's Kentucky Statutes, 1909, relating to animals.

H. B. 585. An Act to further regulate the brewery and distillery business in the State of Kentucky, making certain acts misdemeanors and prescribing a penalty for the violation thereof.

H. Res. 25. A resolution for the benefit of Mrs. Ida Turley.

With amendment thereto by way of substitute therefor.

S. Res. 12. Resolution to pay Mrs. Biggerstaff the per diem allowance of her deceased husband.

With amendment thereto.

S. B. 13. An Act to provide for the representation of the State of Kentucky at the Panama-Pacific International Exposition at San Francisco, Cal., celebrating the opening and commercial use of the Panama Canal, and making an appropriation therefor.

H. Res. 31. Joint resolution authorizing a survey of a portion of the State line separating this State from the States of Virginia and West Virginia.

H. B. 508. An Act for the benefit of Mrs. Lucy Hanks.

H. B. 485. An Act to amend an Act approved March 1, 1910, being Chapter 50 of the Acts of 1910, entitled "An Act to amend an Act entitled 'An Act for the government of cities of the second class in the Commonwealth,' " which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said Act and amendments now appear as Article 3, of Chapter 89, of the Kentucky Statutes.

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and Sections 4501 to 4503 inclusive, Artcle 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, relating to the examination and qualification of teachers.

H. B. 533. An Act to amend Chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled "An Act to provide for the organization, armament, equipment, discipline and government of the militia."

H. B. 625. An Act to amend Section 107 of Kentucky

Statutes, Carroll's Edition 1909, relative to attorneys' liens for fees, notice of and rights of parties to compromise.

H. B. 587. An Act to amend an Act entitled "An Act to repeal sub-section 5 of Section 1403, Kentucky Statutes, and substitute therefor, which act relates to personal property set aside to widow or infants of an intestate," which was approved March 13, 1912.

H. B. 624. An Act to amend Section 3512 of the Kentucky Statutes for the purpose of providing a judge in the absence of the regular police judge.

S. B. 303. An Act to amend an Act entitled "An Act to incorporate the Kentucky Institute for the Education of the Blind and to provide for the regulation thereof."

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

Mr. Hutchcraft moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH, 12, 1914.

The House was opened with prayer by the Rev. F. W. Eberhardt, of the First Baptist Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Tilford offered the following resolution:

Whereas, the Sergeant-at-Arms of the House of Representatives only receives the sum of five ($5.00) dollars per day for his services as such; and,

Whereas, it is the sense of this House that he has, during this session so conducted his office as to merit the approval of the House in a substantial manner; and,

Whereas, it is the sense of the House that he is entitled to more than the sum of five ($5.00) dollars per day for his efficient services; therefore,

Be it resolved by the House of Representatives of this Commonwealth:

That the said Sergeant-at-Arms and the Clerks of the House are entitled to and shall receive the same pay per diem as the members of the House receive, and that the Auditor of Public Accounts is directed to issue his warrant payable to the Sergeant-at-Arms, Oscar Vest, and the Clerks, Eli Berry and Oscar Vicker, for a sum which will make their pay during the session equal to that of each of the members of the House and upon presentation to said Auditor of a certified copy of this resolution.

Mr. Tilford moved that the rules be suspended.

The yeas and nays being required thereon by Messrs. Tilford and Douglas were as follows:

Those who voted in the affirmative were—

Harry Avery	Frank C. Greene	Dr.J.N.M'Cormack
Geo. B. Barrett	Elwood Hamilton	Geo. M. McDowell
J. M. Billeter	V. D. Hammond	John McDyer
Joseph Boitnott	H. H. Harrington	T. T. Mobley
Elmer L. Brown	J. B. Harvey	Harry J. Meyers
A. T. Bryson	H. H. Hays	Zach L. Myers
Ed. F. Cecil	W. E. Henninger	John E. Newman
J. G. Coke, Jr.	Dr. S. L. Henry	Lyman J. Parrigin
George T. Davis	J. J. Huff	William A. Perry
James R. Dorman	R.B.Hutchcraft,Jr.	J. D. Pumphrey
John W. Douglas	T. R. Jones	W. E. Rogers
John Drescher	John A. Judy	B. T. Rountree
William Duffy	Griffin Kelly	A. W. Sharp
G. P. Durrett	John H. Klette	Louis Tieman
Thomas J. Evans	William J. Kuh	N. C. Tilford
W. N. Flippin	Simon B. Lott	James T. Webb
John F. Fryer	C. R. Luker	W. M. Webb

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Those who voted in the negative were—

Benj. L. Cox	J. M. Johnson	W. T. Stott
H. C. Duffy	J. R. Mount	Matt. S. Walton,Jr.
C. M. Gum	W. A. Price	J. D. Wills
E. V. Hall	S. H. Rogers	M. O. Wilson
W. L. Hampton	W. A. Shawler	
D. H. Hillman	Ed. D. Stone	

—16

And said motion was agreed to.

Mr. Walton moved that said resolution be referred to the Committee on Appropriations.

Said motion was disagreed to.

Mr. Walton offered the following amendment to said resolution: Amend by adding the following word, "clerks."

Said amendment was adopted.

The yeas and nays being taken on the adoption of said resolution, as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	V. D. Hammond	John G. Miller, Jr.
Harry Avery	H. H. Harrington	Harry J. Meyers
Geo. B. Barrett	J. B. Harvey	Zach. L. Myers
Joseph Boitnott	W. E. Henninger	John E. Newman
Elmer L. Brown	Dr. S. L. Henry	Lyman J. Parrigin
A. T. Bryson	J. J. Huff	William A. Perry
Ed. F. Cecil	T. R. Jones	J. D. Pumphrey
J. G. Coke, Jr.	John A. Judy	W. E. Rogers
George T. Davis	John H. Klette	B. T. Rountree
John W. Douglas	William J. Kuh	A. W. Sharp
John Drescher	J. C. Lay	W. A. Shawler
William Duffy	Simon B. Lott	Adam Spahn
G. P. Durrett	C. R. Luker	Louis Tieman
Thomas J. Evans	Dr. J. N. M'Cormack	N. C. Tilford
John F. Fryer	Geo. M. McDowell	James T. Webb
Frank C. Greene	John McDyer	W. M. Webb
Elwood Hamilton	W. T. McNally	—50

Those who voted in the negative were—

Benj. L. Cox	D. H. Hillman	S. H. Rogers
H. C. Duffy	J. M. Johnson	Ed. D. Stone
M. J. Farris, Jr.	T. T. Mobley	W. T. Stott
Vert C. Fraser	J. R. Mount	Matt. S. Walton, Jr.
C. M. Gum	W. A. Price	N. B. White
E. V. Hall	Richard Radcliffe	J. D. Wills
W. L. Hampton	Dr. W. R. Ray	M. O. Wilson
H. H. Hays	Stanley F. Reed	—23

And so said resolution, as amended, was adopted.

Mr. Douglas moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Drescher offered the following joint resolution:

Whereas, by an Act of the General Assembly of the Commonwealth of Kentucky, approved 1898, there was appropriated five thousand dollars ($5,000) for the purpose of purchasing grounds adjacent to the Taylor burial grounds and erect thereon a monument to General Zachary Taylor, twelfth President of the United States; and,

Whereas, said ground was purchased and a wall constructed thereabout and the monument erected; and,

Whereas, said wall has fallen into disrepair and is greatly in need of re-construction; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, the House and Senate concurring:

That one hundred and twenty five ($125.00) dollars, or as much thereof as may be necessary, be appropriated out of the fund not otherwise expended for repair of the same, and the Auditor of Public Accounts of the Commonwealth of Kentucky is directed to draw his warrant for the same, and the Governor of the Commonwealth of Kentucky is directed to appoint a trustee to superintend the said re-construction, without compensation. The Auditor will draw his warrant upon an itemized expense account furnished him by the trustee so appointed.

Ordered that said resolution lie on the Clerk's desk.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House, of the following title:

H. B. 295. An Act to provide for the uniform accounting and inspecting of the public offices of this Commonwealth.

A message was received from the Senate announcing that they had concurred in House resolutions of the following titltes:

H. Res. 26. Resolution providing for an assistant to the Superintendent of Public Printing at a salary of seventy-five dollars per month.

H. Res. 37. Resolution requesting that the program and addresses of Governor James B. McCreary, Ex-Governor, J. C. W. Beckham and Augustus Owsley Stanley, at the unveiling of the monument of Governor William Goebel, be spread at large on the Journals of the House and Senate.

Said program and addresses read as follows, viz.:

Master of Ceremonies	Senator Walker C. Hall.
Prayer	The Rev. T. F. Taliaferro.
Address	Gov. James B. McCreary.
Address	Ex-Gov. J. C. W. Beckham.
Address	The Hon. A. O. Stanley.
Unveiling of Mounment	Miss Margaret McChord.

The visitors will assemble in the State Capitol promptly at 12:30 p. m., as follows:

The Senators will assemble in corridor on west side. The committee in charge, the speakers, Gov. Goebel's family, State officials and Judges of the Court of Appeals will assemble in rotunda where Lincoln's monument is located. The

Senators will assemble in corridor on west side. The Members of the House will assemble in corridor on east side. Senator W. W. Booles and Representative Harry J. Meyers will marshal Division 1 in rotunda.

Senators Webster Helm and Robert H. Scott will marshal Division 2, composed of Senate members and officers in the east corridor.

Representatives S. Mazyck O'Brien and William Shawler will marshal Division 3, composed of members of the House and officers, in the east corridor.

Senators Selden R. Glenn and N. R. Cobern will marshal Division 4, composed of visitors, west side in corridor.

Representatives M. J. Farris and J. T. Webb will marshal Division 5, composed of visitors, on east side of south corridor.

The Governor's salute of seventeen guns will be fired during the formation.

Promptly at 1 o'clock p. m. the march will start and move in sections 1, 2, 3, 4 and 5, from the State Capitol to the Speaker's stand, where the addresses will be delivered and the unveiling of the statue of Kentucky's martyred Governor will take place.

Senator G. G. Speer will be Chief Marshal and Colonel Eph. Lillard, Secretary.

In the event of bad weather the exercises will take place in the House Chamber.

Governor William Goebel.

(From the Western Argus, 1900.)

This poem is republished by request. It was written and published just after the burial of Governor Goebel in 1900. It was read before the memorial meeting of the Kentucky Legislature Feb. 3rd, 1904, by the author, Mrs. Jennie C. Morton.

(The time is appropriate since the Railroad Commission has done what he devoted his life to accomplish.)—Ed. The Kentucky Journal.

We come today with flower wreaths of radiant mystic bloom
To wave above thy silent breast, their incense and perfume
Where angels guard and glory warms thy pilgrim haunted grave.

Ah, needless all our tributes now, when love nor tears could save
Thee from assassin's shot and death. 'Twas like an earthquake's shock
That shatters homes and hearts and lands and adamantine rock.
We stand in horror of this wreck, nor lift tearful eyes above,
But bend them on this slain young god, of a great people's love.

Thou, sharer of the simple life from which true greatness comes,
Thou, born and reared amidst the scenes of honest Christian homes.
Kentucky has produced few sons, from homes of fame or wealth,
That could in intellectual force compare well with thyself.
Of foreign blood and greater brain and richer grace and grit
With Martin Luther's wond'rous power, thy fine soul was lit.
He who to right dark wrongs evolved such masterful reforms.
*"'Tho' demons sat on every tile, he went to speak at Worms."
Such was thy determined zeal, thy courage grand and high
With thoughts aflame, like stars that stream adown the midnight sky.

*Martin Luther's reply when warned of danger to himself if he went to speak in the Diet of Worms, April 16, 1520.

So thou, with genius rare and fine and steady beaming eye,
We knew thy faithful hand would hold the trust imposed thereby.
We saw thee tried, Oh, noble friend, in senates of the past,
Where others faltered and betrayed, thou stood firm and fast.
We watched thee when a hundred rose, our sacred rights to wrest;
We saw thee treat with splendid scorn, the selfish greed expressed;
We saw thee hold such falseness up to ridicule and shame;
We saw thee crown with victory our Capital's just claim.
Nor was this all. We heard thee speak in smitten honor's cause;
Saw thee turn forgotten Truth on our perverted laws.
That like the traveler's fabled cloak, did poisoned daggers hide
To strike the poor, the friendless poor, with none to guard or guide.
We saw thee rise a leader born, for such a time as this,
And welcomed thee with cheering words, that seemed not then amiss,
And yet—and yet, we weep today; we did congratulate
Thee on a course misunderstood by this misguided State.
Mighty to save, we knew thou wert, and help our people's woe,
But helpless to help thyself against the dastard's shot or blow.

And yet, if we had failed to warn thee of such cruel fate;
If we, thy friends, had faltered once, with danger at the gate;
If we had failed to speak aright of thee and to defend
Thy peerless name, 'gainst hostile tongues; we could not come, Oh, friend,
Into thy sleeping presence here, where angels may stand veiled,
And hear the measures of thy worth, and hear thy loss bewailed.

We could not come in this dark hour, when God's indignant wrath
Is like a cyclone in the air, upon thy murderer's path.
'Twill send into an endless shame, Cain-browed plotters vile,
Who planned thy cruel death, and yet, were making laws the while.
"Vengeance is mine, I will repay." God will not break his word.
Men cannot bribe this mighty Judge nor sheath his cutting sword.

And so we rest thy faith in Him—avenged thy death shall be,
But this will never bring thee back, and we had need of thee.

Precious thy message at the last: †"Say to those friends so fond
I'll take their memories sweet with me into the great beyond."
No need to charge "Be brave and true." We'll lift thy name on high
And place thy crown with martyrs there who dared for truth to die.
Thy memory shall be consecrate, thy monument shall be
A shrine of patriots' deathless love and loyalty to thee.

The last lines of this poem are inscribed on the Goebel monument at Frankfort, erected in the cemetery by the people of Kentucky.

†When Governor Goebel was dying he sent this farewell message to the ladies who were weeping for him, and had been watching and praying for him during his illness.

SPEECH OF GOVERNOR MCCREARY

At the Unveiling of the Goebel Monument, Frankfort, Ky., March 11, 1914.

We have assembled on this important occasion to unveil and dedicate a statue erected under an Act of the General Assembly of Kentucky to honor the memory of the eloquent leader, the faithful public servant, the loved statesman, the tribune of the people, and the martyred Governor of Kentucky, William Goebel.

This scene reminds us of the greatest crisis ever known in Kentucky and recalls his death, by the hands of an assassin, in the midst of his usefulness and in the prime and vigor of a splendid manhood, when his noble qualities were opening the way to success and renown, and the glory of his achievements as just beginning to reach fruition.

The assassin and his aiders and abettors should pay the full penalty of the law, yet they are at large and justice still calls to heaven for their punishment.

The career of William Goebel proves the success that can be achieved in our country by intellect, integrity, energy and courage. He had no splendid heredity or illustrious lineage to give him prominence; neither fortune nor fame gilded his pathway; he claimed to belong to the great body of the common people, and he belonged to a family conspicuous for courage and patriotism. His father was a Union soldier during the Civil War, and was twice wounded at Antietam. His uncle served under General Lee and surrendered at Appomattox. God gave William Goebel his resources. They were indomitable will, a bright and active mind, courageous devotion to conviction, and self-reliance. He controlled and commanded them as successfully as an experienced general in the field; and he illustrated that, from the sturdy and strenuous ranks of the common people, often come the most conspicuous civil and military leaders of the Republic.

William Goebel's life was interesting, noble and attractive, no matter how he was engaged or what influence surrounded him. His first important step showed the aspirations of the boy pointed to the life-work of the man, and before he attained his majority he became a law student in the office of former Governor and Senator John W. Stevenson.

Before he was old enough to be admitted to the bar he graduated from the Cincinnati Law School, and after a term at Kenyon College, became a partner of Hon. John G. Carlisle. Subsequently this partnership was dissolved, and a partnership formed with his old preceptor, Governor John W. Stevenson, whose esteem for him was such that, at his death, he made William Goebel trustee of his estate without bond. After his partner's death, he continued the practice of law alone in all State courts and in the United States Supreme Court, acquiring a legal business probably never exceeded by any firm or individual in Covington.

In 1886, at the age of thirty, he was elected a State Senator and began a brilliant and stormy political career.

There is no fairer forum than the State Senate of Kentucky. There men are judged not by the offices they have held, not by the splendor of their ancestry, not by the honor and renown they have already achieved, not by the glamour of a conspicuous civil or military career, but they are judged by what they do in the Senate, and by the capacity, fidelity and honesty with which they discharge the varied and responsible duties of State Senator.

Soon after he became a State Senator he began to champion the cause of the people of this State, and he steadily opposed the encroachment of several powerful corporations. The toll rates charged by many turnpike companies in Kentucky had, for half a century, been heavy burdens upon the farmers. His first official act was to introduce and fight to a successful issue a law that cut these rates one-half. This

law was contested in the courts by the ablest attorneys in the State, and William Goebel defended it without compensation until it was decided by the United States Supreme Court.

His next Legislative act was what was known as the Goebel Bridge Law, reducing the toll rates between Covington and Cincinnati from three cents to a cent and a fraction. This law was also opposed as strenuously as the former, and Mr. Goebel again represented the State without compensation. After the first trial the law was sustained and the bridges reduced the toll; and, although the United States Supreme Court held it to be unconstitutional, declaring that it required an act of Congress or a joint act of the two States, the companies never again raised their rates, thus saving the people of the two cities thousands of dollars annually.

The Goebel Anti-Lottery Law was another of his Legislative victories, in spite of a most powerful lobby. This law he also defended without fee through the courts of the State.

Through his efforts the deposits in building and loan associations were exempted from taxation.

He was the author of the Library Law, which gave Covington the right to establish and maintain by taxation the present free public library, and the law enabling employes of railroads to recover damages when injured by the railroads for which they worked, which injuries might be caused by the negligence of fellow employes.

He fathered the school book law, putting an end to the book trust that charged in Kentucky sixty-five cents for the same books it sold in other States for much less, and which was fought through three successive sessions of the Legislature in the face of opposition that seemed almost insurmountable.

He was a pioneer in the cause of governmental regulation of railroad rates, and his active work in the Kentucky Legislature upon this great problem ante-dated the work of

some statesmen whose names have been prominently connected with Governmental regulation of railroads.

The nomination of William Goebel as the Democratic candidate for Governor of Kentucky, and the subsequent proceedings connected with his election and his taking the oath of office as Governor show remarkable and unprecedented conditions at that time. By the advice of his friends and the Democratic State Central and Executive Committees, he made the contest for the office of Governor, a right given him by the original State Constitution, and both in separate and joint sessions the General Assembly declared William Goebel Governor of Kentucky, and he then took the oath of office.

Governor Goebel was so identified with the history of Kentucky, he had so impressed himself upon the minds of his fellow citizens, and his achievements were so great that he needed no monument to preserve his memory or to perpetuate his fame; but to show future generations their admiration and respect for him and to present an example to guide them in the path of right and justice, and to encourage the young men of our Commonwealth to emulate his example and strive for success and achievements, the members of the General Assembly of the State of Kentucky erected this statute.

I knew Governor Goebel intimately, and was one of his earnest supporters and friends, and I speak of him as I knew him in public and private life. Estimated by comparison with his contemporaries and measured by the limitations which he overcame, his career was extraordinary and of unusual distinction.

He was in favor of "Equal and exact justice to all men," and he was the faithful friend and champion of the people. He came from the ranks of the people, he loved to be close to them, and he showed an abiding faith in the integrity and patriotism of the masses.

Like Ben Adhem, he would say: "Write me as one that loves his fellowmen."

He was fair and just in debate, terse and strong in his statements, convincing in his array of facts, honest and sincere in his conclusions, and always courageous and aggressive in maintaining his convictions.

He was also courteous to his opponents, and fought them in the open field, asking no favors.

He supported devotedly the Constitution of the State and of the United States. The powers and limitations of government, as they are ordained, received the sanction of his judgment and helped him in earnest loyalty to its authority.

As a lawyer, he was able and eminent, in both State and Federal courts.

As a State Senator for twelve years and as a member of the Convention which framed the present Constitution of Kentucky, he was conspicuous and well equipped for every duty, and excelled in knowledge of parliamentary law.

Governor Goebel was assailed by his political opponents and enemies with malignancy and mendacity unparalleled in the history of Kentucky; yet their abuse and misrepresentation did not sully his good name or tarnish his fame. Every day he lived his great character, untarnished and undaunted, grew more resplendent, and, preceding his death, he stood, like Saul, towering above his enemies.

Amid the excitement and tumult and threats of his checkered life, he was always calm, and, quoting the Irish patriot, Curran, he said: "You may assassinate me, but you cannot intimidate me."

In his campaign for the office of Governor, he met all issues squarely and promptly, and he clearly and candidly defined his position on all questions, both State and National. His bold, able and aggressive speeches were admired by the people, and when we remember the remarkable conditions which existed in Kentucky at that time, the result of the election was a magnificent testimonial to his popularity and a splendid manifestation of confidence in his ability and Democracy.

In politics he was a Democrat. He never wavered in his loyalty to Democratic principles or in his devotion to the nominees of his party, and he believed that the party entrusted by the people with the responsibilities of its administration should place its policies and offices with those in sympathy with it, and who had at heart its continued success and supremacy.

In political life he found a fitting theater for his abilities, and had he lived and enjoyed health and strength the popularity and accomplishments he possessed would have led to greater and higher honors.

He was a recognized leader and he was conspicuous for his knowledge of the political situation and for his ability to organize and control his friends and supporters.

When his followers were discouraged or when the outlook for his success was gloomy, his self-reliance and courage gave confidence to his supporters, and his powers as a leader then appeared to the best advantage. He repeatedly used his great intellect and powers of leadership for the promotion of his party and for upholding principles which would be beneficial to the people of Kentucky.

The career of William Goebel stands out in picturesque and splendid isolation. He had success embellished with brilliancy, yet saddened by his tragic death. Commencing the battle of life in his adopted State alone and unaided, with unexcelled attorneys and unsurpassed judiciary, with rivals who had already achieved success, when he was forty-four years of age his triumphs glittered and glistened along his pathway and he proved himself worthy to stand with the foremost lawyers, as an honored public officer, with a record unexcelled for ability, integrity and fidelity to duty, the loved leader of his party and the Governor of the Commonwealth of Kentucky.

On the thirtieth day of January, 1900, Governor Goebel was shot within thirty feet of the Capitol building by an as-

sassin, and on the first day of February, 1900, he took the oath of office as Governor of the Commonwealth of Kentucky. On the third day of February he died from the effects of the assassin's bullet, and his last words were: "Tell my friends to be brave, fearless and loyal to the great common people." God grant we may never again have such an awful tragedy in Kentucky!

Thus ended the life and career of Governor William Goebel. His tragic death is still mourned by multitudes of his countrymen, and he is entitled to rank among the ablest and most patriotic men whose names adorn the annals of our State.

ADDRESS OF A. O. STANLEY

At the Unveiling of the Goebel Monument, Frankfort, Ky., March 11, 1914.

William Goebel sat for an hour in the chair of authority. He gazed into the eyes of his countrymen. He heard the tumultuous applause of assembled thousands, and then, in the prime of his virile and vigorous manhood, he fell at the very threshold of the splendid vista of honor and distinction that awaited him. At this hour, this proud, sad hour, his whole life passes in panoramic view before us. We see him starting on life's journey in poverty and in obscurity. We behold the hardships that he endured, the battles that he fought, the enemies that he overcame, until he stands upon the summit like a grand conqueror; and then, before the laurels have withered upon his dauntless brow, the death-damp gathered there. Before the cheers of the throng had died in the streets of the capital they were filled with the lamentations of the dead. Eminent was the immediate reward.

He was a born leader. He marched at the head of the column, but he never sought to look from a lofty place upon struggling men below. He was always of them and for them. No man ever had a better opportunity to tread the primrose

path of place and power. In his youth he stood at the feet of the Senators of the bar. He was the professional associate of Stevenson and Carlisle, and he suffered not by the contrast. Rich retainers were offered him. Great corporations, eager to avail themselves of his great learning, his experience, and his talents, tendered their rich reward, but having defeated poverty, he continued the champion of the poor, and having suffered wrongs, he remained steadfastly the defender of the oppressed.

There is a singular and beautiful incident in the life of William Goebel, that throws a flood of light upon his varied and eventful career. On one occasion he was approached by the representative of a great railroad system. He was told that if he would only dedicate his time and talents to the service of this rich and powerful corporation he might name his own retainer. Goebel listened in silence, while this man laid at his feet a king's ransom if he would only desert the people—desert them as an attorney—and dedicate the talents and the power that God had given him to the absolute dictation of a single mighty corporation. This scene occurred in his old offices there on the second floor of the building on Fourth and Scott streets in the city of Covington. It is said that Mr. Goebel leaned for some time against the jamb of the second story window, looking out; and it happened that just on the other side, lying in the gutter in the sand left by a recent shower, were two ragged urchins, and when the man had finished, Goebel pointed to the children in the street below, and said to the man: "Sir, I am retained by the other side." "Who," asked the astonished magnate, "has retained you on the other side?" And then said Goebel, looking down at the ragged children, "Sir, there are my clients; they have retained me." That devotion that most men center in wife and child he dedicated to his kind. He was in verity a father to the fatherless, a refuge to the homeless, a shelter in the time of storm to all who were buffeted by misfortune

and disaster. Labor, caught in the pitiless meshes of the Federal injunction, saw prison doors open wide and the shackles fall from its sinewy limbs at his command.

It was William Goebel who freed the people of his city from the extortionate bridge tolls that burdened them. He stood upon the great bridges that span the Ohio between Cincinnati and the twin cities of Covington and Newport, and watched a stream of weary toilers passing in the early morning from the cottage and the tenement to the shop and the mill, and returning footsore and weary in the evening. He saw the mill-hand in his overalls, and the factory girl in the tattered shawl, submit to plunder as the price of passing, and he said to the bridge owners as to the exploiter of the highway, "You may charge a reasonable toll, but you shall not wring an extortionate tribute from the horny hand of honest toil."

Few really great men who have lived were ever understood by their immediate contemporaries. Just as mountains cannot be measured by those who stand at their base, they must be viewed afar, when their lofty heights and majestic proportions are outlined against the sky. In his own time, to his own generation, William Goebel spoke at times almost in an unknown tongue. Thirty years today he talked of the separation of the business of transportation and production. He demanded the rigorous regulation of common carriers, that the rich should be impartially dealt with, and that they should pay a just proportion of their burden to the State. That which is the paramount issue of this hour was vivid to his prophetic gaze. As a candidate for Governor, and afterwards as the Democratic nominee for that high office, he reiterated again and again that the real issue in that fight, the bottom question from which the public mind and the public eye should never be diverted, was whether the laws of Kentucky should be enacted, should be construed, should be executed by the people of Kentucky, or by powerful and privileged interests.

For that issue he was denounced as a demagogue, he was assailed as an anarchist, as he would be denounced and assailed now, if living. He was harried by a corrupt and subsidized press. Every detail of his life, public and private, was distorted by the evil ingenuity of envy and hate. His sainted and sacred dead were dragged from the tomb and held up to contumely and contempt by servile hirelings and salaried slanderers. And when his malignant foes failed to debauch the electors and defeat the fixed purpose of an uncorrupted and uncorruptible people, they, in their desperation, fired the black heart of murder, and armed an assassin for the dastardly deed that closed in darkness his great career, and left a pall of shame and horror upon the Commonwealth of Kentucky. What were the crimes for which William Goebel fell? This man did not die because he was a Democrat. I have followed his patriotic and inspiring career closely. In the study of great transportation questions he has been my preceptor and my model, and as long as God shall spare me and the people shall trust me in public life, he shall be my guide. This man never made political speeches. He merely referred to politics in passing. I have never seen or heard a political discussion of any length from the pen or tongue of William Goebel. What, then, were the things that caused his death? I'll tell you. He proposed to enlarge, the first thing, the railroad commission of Kentucky, in opposition to the powerful influences that sought to destroy it. He drove from the corridors of the Capitol the nest of lobbyists who had assembled there to debauch the Legislature and despoil the State. He proposed to shorten the hours of labor, to relieve men engaged in the most perilous enterprises known, in order that the patient toiler might have some rest from the terrific strain, and in order that hundreds of innocent and helpless men might not be dashed to death because some wretch kept on the watch day and night, without rest or repose, fell asleep at the key or switch. He proposed to give to the engineer at the

throttle the same measure of protection that for years had been guaranteed to the tramp on the highway. He proposed to give vitality and life to the railroad commission that was then and is now a farce and a sham, in order that it might protect the shipper from the extortionate rates, and the State from fraud and chicanery. Let twenty years of Federal legislation, let imperial history answer whether William Goebel was an incendiary or a seer. Do you know, members of the Legislature of Kentucky who now confront me, that the legislation that he once proposed for the State of Kentucky, the reforms which he hoped to see adopted here, have in other realms become the goal and the model for Federal legislation? This great pathfinder was more than a constructive statesman. He possessed the rare and ardent gifts of invention and prophecy. He not only constructed—he created. He was in his day the lonely navigator of an uncharted and unfathomed sea. Heyburn and Dolliver—and today men like Adamson, and even Wilson himself, are but treading in the way blazed twenty years ago by the dead William Goebel, who in his own day knew no fellow in the wilderness. Why, the Progressives in both political parties point at this hour to the effectual regulation of common carriers as their greatest and most substantial achievement, and while I now address you the greatest Executive of a century and a Congress in complete accord are attempting to liberate the government and the business of this country from corporate control, by enlarging the powers of the commission until it shall have the right and authority to regulate rates, supervise capitalization, determine the fiscal value, and to direct the operation of common carriers engaged in interstate commerce. It may be, my friends, that in the days to come political economists and historians may differ as to the man and his measure, but the just among his adversaries are bound to admit the sincerity of his motives and the disinterestedness of his devotion to the great cause he espoused.

Gain and glory alike are vanities when seen through the glassy eyes of death. When all that honor, all that wealth, could give were but ashes in his cold hands, and even in the midst of the agonies of eternal dissolution, his great mission was ever before him, and, unmindful of the blighted hopes and the racking pain and the chilling gloom, his great life conquered death, and rose like a transfiguration, and in whispers, in an hour like that, he admonished those who were to succeed him to be brave and fearless and loyal to the great common people—and then William Goebel was no more. His devoted followers placed him at the helm of the ship of state, and when they did, his was the pilot's commission, and the pilot's sense of obligation. Have you ever at midnight watched the pilot aloft, guiding the course of a stately ship through the gleaming deep? Those who slumber on the decks below may be strangers all, speaking an unknown tongue, not of his race or realm, but let that ship strike the unseen rock, let it be buffeted by the rage of winds and waves, until the masts are down and the decks are awash; let it be licked by hungry flames. He will be burned to a char, or go down with the ship into the abysm of the sea, before he will desert his post while one helpless soul remains on the slippery decks below, dependent upon his courage or his skill. William Goebel through all the years of his public life stood like a pilot at the wheel. He faced dangers more insidious than the hidden shoals, enemies more ruthless than the raging storm. He gazed without flinching, with an untroubled vision, serene and calm into the grinning jaws of death, and, like a pilot, he went down with his hand on the wheel.

Monuments, my friends, are erected to the living, not to the dead. We need no storied urn to redeem the name and the fame of William Goebel from oblivion, for his name is inscribed on the hearts of his countrymen, and his deeds form the brightest and most tragic page in his country's history.

That stone yonder is not a monument, but a beacon. It is erected not to mark the resting place of the dead, but to inspire and direct the onward march of the living. He fell like a Centaur, in front of the Capitol of the Commonwealth, defending the sanctity of its courts and the independence of its legislative assembly, and in front of the Capitol now is that inspiring figure of William Goebel, that in death as in life still shall stand a sentinel, challenging fraud and corruption, the while a vigilant guard of the friendless, the homeless and the oppressed.

Ex-Gov. J. C. W. Beckham having spoken extemporaneously, no copy of his speech could be secured.

Mr. Douglas, after reading an article contained in a newspaper, offered the following motion in writing:

"I now move that the aforesaid publication be denounced as false and slanderous, and upon that motion I demand the yeas and nays.

"(Signed) John W. Douglas."

Mr. Smith moved that said motion be tabled.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

Mr. J. C. Duffy moved that the special order set for 11:00 o'clock be postponed until the matter under consideration is disposed of.

Said motion was disagreed to.

The hour of 11:00 o'clock A. M. having arrived, the House took up for consideration the special order set for said time, viz.:

H. B. 424. An Act to amend the Constitution of the Commonwealth of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, upon the concurrence of three-fifths of all the members elected to each House, the yeas and nays being taken thereon and entered in full in their respective journals in lieu and in substitution of Section No. 61 of the Constitution of Kentucky, the following clause or provision be inserted, and become a part of the Constitution of Kentucky, viz.:

The manufacture, sale, barter, giving away or otherwise furnishing, except as hereinafter provided, of malted, fermented, brewed, vinous or spirituous liquors, within this State, is prohibited until otherwise provided by amendment of the Constitution of this Commonwealth. Any person, individual, or corporation who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquors of any kind, including beer, ale and wine, contrary to the provisions of this section, or who shall advertise for sale or solicit the purchase of any such liquors within this State, or who shall ship or in any way convey such liquors from any part of this State into any other part thereof, shall be punished, on conviction thereof by fine, not less than fifty dollars, or more than five hundred dollars and confinement in jail for a period of not less than thirty days and not more

than six months, with or without labor (in the discretion of the jury), or, in lieu of such fine and imprisonment in jail, confinement in the State penitentiary, for a period not exceeding twelve months, for such offense; Provided, that the General Assembly may provide by law for one agency under the supervision of the State in each city or town in the State of not less than one thousand population, and if there be no city or town of such population in any county of the State, such county shall be entitled to have one such agency, for sale of such liquors for medicinal purposes; and for the sale for industrial purposes of alcohol which shall have been denaturized by some process approved by the United States' Commissioners of revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed a bond in manner and form approved as the General Assembly shall direct, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within this State shall constitute prima facie evidence of his intention to violate the provisions of this section of the Constitution.

No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which it is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided, unless such statement shall be accompanied by bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once.

Each sale shall be duly registered, and the register

thereof together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of the State at all times during business hours.

Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury or false swearing. Any physician who shall prescribe any such liquor except for the treatment of a disease, which, after his own personal diagnosis, he shall deem to require such treatment, shall upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars, or by imprisonment in the county for not less than thirty days, or by both such fine and imprisonment in the discretion of the jury; and any person connected with such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions, shall be punished by confinement in the State penitentiary for not less than six months nor more than twelve months.

The General Assembly shall enact any legislation as herein by express terms required, and may enact any additional legislation deemed necessary and proper to more effectually carry out the aims and purposes herein expressed, not in derogation of or inconsistent with any clause or provisions herein contained.

This amendment which is self-executing, shall go into effect and become operative January first, nineteen hundred and eighteen, but nothing herein shall be construed to interfere with or repeal any law now in force relating to sale or gift of such liquors until date aforesaid.

The Committee on Constitutional Amendments offered the following amendment to said bill by way of substitute therefor:

An Act to amend the Constitution of the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each House, the yeas and nays being taken thereon and entered in full in their respective journals in lieu and in substitution of Section 61 of the Constitution of Kentucky, the following clause or provision be inserted, and become a part of the Constitution of Kentucky, viz.:

The manufacture, sale, barter, giving away or otherwise furnishing, except as for the purposes hereinafter provided, of malted, fermented, brewed, vinous or spirituous liquors, within this State, is prohibited until otherwise provided by amendment of the Constitution of this Commonwealth. Any person, individual, or corporation who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquors of any kind, including beer, ale and wine, contrary to the provisions of this section, or who shall advertise for sale or solicit the purchase of any such liquors from any part of this State into any other part thereof, shall be punished, on conviction thereof by fine, not less than fifty dollars, or more than five hundred dollars and confinement in jail for a period of not less than thirty days and not more than six months, with or without labor (in the discretion of the jury), or, in lieu of such fine and imprisonment in jail, confinement in the State penitentiary, for a period not exceeding twelve months, for such offense; Provided, that the General Assembly may provide by law for one agency under the supervision of the State in each city or town in the State of not less than one thousand population, and if there be no city or town of such population in any county of the State, such county shall be entitled to have one such agency, for sale of such liquors for medical purposes; and for the sale for industrial purposes of alcohol which shall have been de-naturized by some process approved by the United States' Commissioners of revenue; and for the sale of alcohol for scientific purposes to such

scientific institutions, universities and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed a bond in manner and form approved as the General Assembly shall direct, in a sum not less than one thousand dollars, conditional that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within this State shall constitute prima facie evidence of his intention to violate the provisions of this section of the Constitution.

No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which it is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided, unless such statement shall be accompanied by bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once.

Each sale shall be duly registered, and the register thereof together with the affidavits and prescription pertaining thereto, shall be open to inspection by any officer or citizen of the State at all times during business hours.

Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury or false swearing. Any physician who shall prescribe any such liquor except for the treatment of a disease, which after his own personal diagnosis, he shall deem to require such treatment, shall upon conviction thereof be punished for each offense by fine of not less than two hundred dollars, or by imprisonment in the county jail for not less than thirty days; or by both such fine and imprisonment in the discretion of the jury; and any person connected with such agency who shall be convicted of making any sale or other disposition of liquor

contrary to these provisions, shall be punished by confinement in the State penitentiary for not less than six months nor more than twelve months.

The General Assembly shall enact any legislation as herein by express terms required, and may enact any additional legislation deemed necessary and proper to more effectually carry out the aims and purposes herein expressed, not in derogation of or inconsistent with any clause or provisions herein contained.

This amendment, if adopted, shall be effective and in full force on and after July 1, 1917, as to the retail sale of the spirits and liquors herein mentioned; and become effective and in full force on and after July 1, 1919, as to the manufacture, sale and transportation of such spirits and liquors in this State, except as herein provided; but nothing herein shall be construed to interfere with or to repeal any law now in force relating to the sale or gift of such liquors until the date aforesaid.

In order to carry this amendment, if adopted, into force, and to make it always effective, the Governor of this Commonwealth may, and it is hereby made his duty to remove from office any ministerial or judicial officer, of less rank than a circuit judge, who fails and refuses to execute the provisions of this amendment prohibiting the manufacture and sale of such spirits and liquors. Such removal may be made upon the personal knowledge of the Governor of such contumacy in such office, or upon the information furnished to him by records of the courts of this State, or affidavits of witnesses. He shall give such officer reasonable notice of the complaint against him, and an opportunity to be heard in his defense.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky, and under Section 1459 of the edition of the

Kentucky Statutes compiled and edited by John D. Carroll and issued in 1909.

Mr. Douglas moved that H. B. 424 be postponed until such time as the substitute be printed and laid upon the members' desks.

By the unanimous consent of the House said motion was withdrawn.

Mr. Jones moved the previous question.

Said motion was agreed to.

Mr. Smith moved to reconsider the vote by which the previous question was ordered.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Harry Avery	A. T. Bryson	Thomas J. Evans
Wallace Bailey	Glover H. Cary	M. J. Farris, Jr.
J. M. Billeter	Ed. F. Cecil	W. N. Flippin
Henry C. Blades	J. G. Coke, Jr.	Vert C Fraser
Joseph Boitnott	Benj. L. Cox	Ed. Frost

Frank C. Greene	Simon B. Lott	B. T. Rountree
C. M. Gum	C. R. Luker	S. M. Saufley
E. V. Hall	Dr.J.N.M'Cormack	A. W. Sharp
W. L. Hampton	Geo. M. McDowell	L. M. Smith
V. D. Hammond	John G. Miller, Jr.	Ed. D. Stone
J. B. Harvey	T. T. Mobley	W. T. Stott
H. H. Hays	J. R. Mount	N. C. Tilford
W. E. Henninger	A. J. Oliver	M. S. Walton, Jr.
Dr. S. L. Henry	A. W. Palmer	James T. Webb
D. H. Hillman	Lyman J. Parrigin	W. M. Webb
J. J. Huff	Lilburn Phelps	N. B. White
J. M. Johnson	Dr. T. J. Poteet	J. D. Wills
T. R. Jones	**J. D. Pumphrey**	M. O. Wilson
John A. Judy	Richard Radcliffe	Roy S. Wilson
Griffin Kelly	Dr. W. R. Ray	
J. C. Lay	W. E. Rogers	—61

Those who voted in the negative were—

Peter Ampler	Odie Duncan	John E. Newman
Jas. W. Barrall	John F. Fryer	S. Mazyck O'Brien
Geo. B. Barrett	Elwood Hamilton	William A. Perry
Elmer L. Brown	H. H. Harrington	John A. Polin
George T. Davis	R.B.Hutchcraft,Jr.	W. A. Price
James R. Dorman	John H. Klette	Stanley F. Reed
John W. Douglas	William J. Kuh	S. H. Rogers
John Drescher	John McDyer	W. A. Shawler
H. C. Duffy	W. T. McNally	Adam Spahn
John C. Duffy	Harry J. Meyers	Louis Tieman
William Duffy	Zach. L. Myers	—32

Resolved, That the title thereof be as aforesaid.

Mr. Coke moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Saufley offered the following written motion:

"I move that, under the authority of Rule 39, adopted by the House of Representatives of Kentucky to govern its 1914 session, Rule 59 of said rules be suspended.

"Signed: Shelton Saufley."

Said motion was agreed to.

Mr. Perry offered the following amendment to said motion proposed by Mr. Saufley:

Amend by the following: "That the rules of the House of Representatives for 1914 be suspended for the balance of the session.

"Signed: W. A. Perry."

Said amendment was disagreed to.

Messrs. Hutchcraft and Harry J. Meyers objected to the Chair entertaining the motion proposed by Mr. Saufley.

Said objection was overruled by the Chair.

Mr. Saufley offered the following motion in writing:

"As Rule 59 of the 1914 session rules of the House of Representatives has been suspended, the gentleman from Lincoln moves to take from the table the motion to reconsider the vote by which H. B. 424 was declared passed.

"Signed: Shelton Saufley."

Said motion was agreed to.

Mr. Hutchcraft objected to the Chair entertaining the aforesaid motion proposed by Mr. Saufley.

Said objection was overruled by the Chair.

Mr. Hutchcraft proposed the following amendment to the motion proposed by Mr. Saufley:

"Substitute H. B. 387 for H. B. 424."

Said proposed amendment was ruled out of order by the Chair.

Mr. Saufley offered the following written motion:

"The gentleman from Lincoln moves that the vote by which H. B. 424 was declared passed, be reconsidered.

"Signed: Shelton Saufley."

Mr. Hutchcraft objected to the Chair entertaining the said motion proposed by Mr. Saufley.

Said objection was overruled by the Chair.

Mr. H. J. Meyers offered the following in writing:

"As the Chair has ruled that 51 members can take a vote that has been reconsidered and laid upon the table from the table, I hereby object in writing to the further consideration of this bill, H. B. 424, and for the benefit of court proceedings state my objection in writing.

"Signed: Harry J. Meyers."

Mr. Hutchcraft offered the following in writing:

"The member from Bourbon objects to the Chair or the House entertaining the motion just made by the gentleman from Lincoln on the ground that it relates to H. B. 424 and insofar as it relates to said bill.

"Signed: R. B. Hutchcraft, Jr."

Mr. Mobley moved to reconsider the vote by which H. B. 424 was ordered to a third reading.

Said motion was agreed to.

Mr. Judy moved the previous question.

Said motion was agreed to.

Mr. Judy moved that the amendment, by way of substitute, proposed by the Committee on Constitutional Amendments to H. B. 424 be adopted.

Said motion was agreed to.

Said committee amendment, by way of substitute, for H. B. 424 was then adopted.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, as amended by way of substitute therefor, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	A. T. Bryson	G. P. Durrett
Wallace Bailey	Glover H. Cary	Thomas J. Evans
J. M. Billeter	Ed. F. Cecil	M. J. Farris, Jr.
Henry C. Blades	J. G. Coke, Jr.	W. N. Flippin
Joseph Boitnott	Benj. L. Cox	Vert C. Fraser

Ed. Frost	Griffin Kelly	Richard Radcliffe
Frank C. Greene	J. C. Lay	Dr. W. R. Ray
C. M. Gum	Simon B. Lott	W. E. Rogers
E. V. Hall	C. R. Luker	B. T. Rountree
W. L. Hampton	Dr.J.N.M'Cormack	S. M. Saufley
V. D. Hammond	Geo. M. McDowell	A. W. Sharp
J. B. Harvey	John G. Miller, Jr.	L. M. Smith
H. H. Hays	T. T. Mobley	Ed. D. Stone
W. E. Henninger	J. R. Mount	W. T. Stott
Dr. S. L. Henry	A. J. Oliver	James T. Webb
D. H. Hillman	A. W. Palmer	W. M. Webb
J. J. Huff	Lyman J. Parrigin	N. B. White
J. M. Johnson	Lilburn Phelps	J. D. Wills
T. R. Jones	Dr. T. J. Poteet	M. O. Wilson
John A. Judy	J. D. Pumphrey	Roy S. Wilson

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Those who voted in the negative were—

Peter Ampler	John F. Fryer	William A. Perry
Geo. B. Barrett	H. H. Harrington	John A. Polin
Elmer L. Brown	R.B.Hutchcraft,Jr.	W. A. Price
George T. Davis	John H. Klette	Stanley F. Reed
James R. Dorman	William J. Kuh	S. H. Rogers
John W. Douglas	John McDyer	W. A. Shawler
John Drescher	W. T. McNally	Adam Spahn
H. C. Duffy	Harry J. Meyers	Louis Tieman
John C. Duffy	Zach. L. Myers	M. S. Walton, Jr.
William Duffy	John E. Newman	John F. White
Odie Duncan	S. Mazyck O'Brien	

—32

Resolved, That the title thereof be as aforesaid.

Mr. Saufley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Saufley offered the following motion in writing:

"The gentleman from Lincoln moves that the suspension of Rule 59 of the 1914 session of the Kentucky House of Representatives be and the same is hereby lifted and said Rule 59 is now in full force and effect as a rule of this House.

"Signed: Shelton Saufley."

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill originating in the House of the following title:

H. B. 63. An Act to establish an insurance and annuity fund for public school teachers of cities of the second class.

A message was received from the Senate announcing that they had passed a bill originating in that body of the following title:

S. B. 345. An Act to amend Section 656, Chapter 32, Art. IV, Subdivision 11, of Kentucky Statutes, relating to life insurance.

To Committee on Insurance, Life and Accident.

And then the House recessed until 2:00 o'clock.

AFTERNOON SESSION.

At 2:00 o'clock the House reconvened.

The House took up for consideration the unfinished business from the morning session, viz.: a bill entitled:

H. B. 242. An Act to license, govern and regulate the use of motor vehicles.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Motor Vehicles Defined—Whenever the term motor vehicle shall be used in this act it shall include automobiles, locomobiles, motorcycles, and all other vehicles propelled otherwise than by muscular power, except common bicycles, traction engines, road rollers, electric and steam railways.

§ 2. Registration by Owners of Motor Vehicles, Certificates of Registration—Every owner of a motor vehicle shall immediately upon the acquirement thereof, except as otherwise provided in this act, file in the office of the Secretary of State an application properly sworn to, setting forth his name and address, with a brief description of the motor vehicle to be registered, including the name of the maker, the factory number, style of vehicle and motor power, on an application to be prepared and furnished by the Commissioner of Motor Vehicles for that purpose, and shall pay the said Commissioner of Motor Vehicles a registration fee of eight and 50-100 ($8.50) dollars on each and every motor vehicle so registered under this act: Provided, that if the motor vehicle be a motorcycle the fee paid for registration thereof shall be five ($5.00) dollars. All such registration and re-registration fees shall hereafter fall due on the first day of January of each year and be for one year from such date. In the event any person becomes the owner of a motor vehicle after said date of any year, then he is to be charged such a proportion of such fee as the date of purchase bears to the last named date for the first year, and thereafter register and pay his registration fee on the date above set forth. Said registration shall be made on the date the application is received and filed by the Secretary of State.

Upon filing in the office of the Secretary of State of said application as hereinbefore provided, the Secretary of State,

or his duly authorized agent, shall, without further fee, assign and furnish to the owner of such motor vehicle as described in such application, two distinctive number plates to be paid for, together with the transporation of same to the owner, out of the funds from the registration fees, and shall issue to the owner of such motor vehicles as is described in the application filed, a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket, and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and address of the owner and brief description of such motor vehicle, stating the name of the manufacturer and the motor power.

Duplicate certificates of registration will be issued upon payment of a fee of fifty cents and the filing in the office of the Secretary of State an affidavit to the effect that the original certificate of registration was lost, stolen or destroyed. The Secretary of State shall cause the name of such owner, with his address, registration number and the date of filing of application and description of such motor vehicle or motor vehicles, to be entered in alphabetical order of the owner's name in a book to be kept for that purpose in the office of the Secretary of State; provided that this section shall not apply to manufacturers of, or dealers in, motor vehicles in this State, except as to vehicles kept by such manufacturers or dealers for private use or public hire.

All licenses issued by the Secretary of State on motor vehicles after the passage of this act or before January 1, 1915, shall be made to expire on January 1, 1915, and the fee for such license shall be proportionate to the time that the unexpired part of the year 1914 bears to the whole year, and in making the calculation the time shall be calculated from the first of the month succeeding the date the license shall fall due.

If any licenses have been issued before this law becomes operative, which do not expire until after the first of January,

1915, the next license issued on such machine shall expire on January 1st, 1916, and the fee collected from such license shall be apportioned in the manner above provided for during the year 1914.

Nothing in this section shall apply to automobiles owned by and operated in the service of the State of Kentucky, or any county or municipality therein, but such automobiles shall have attached both front and rear, as provided in this act, a tag selected by the proper official of said State, county or municipality sufficient to identify the ownership of said vehicle.

§ 3. Numbers to be Displayed Upon Motor Vehicles—The owner of each motor vehicle shall have a number corresponding with the number of the certificate of registration issued by the Secretary of State, as hereinbefore provided, conspicuously displayed upon the front and rear of every such motor vehicle owned by him, to be not more than four feet or less than 18 inches from the ground, and to be kept free from grease and dirt and readable at all times whenever the same shall be driven or used upon the public highways, streets, roads, turnpikes, parks, parkways or drives in this State. Such numbers to be separate Arabic numerals not less than four inches in height and each stroke to be a width of not less than one-half an inch, and also a part of such number the letters "KY" not less than one inch in height, and the year of registration across the right hand end of said plate in convenient size.

The Secretary of State shall have the authority to change the colors of the license plates from year to year provided the numbers and background shall be distinctly contrasting colors.

On motorcycles there shall be two plates of suitable metal, one on the front of the frame and on the rear mud guard exposed so the numbers are at all times visible, and each bearing the numbers assigned of such size as is proper and practicable, with the letters "KY" and the year of regis-

tration thereon. Said owner shall not be required to place any other mark of identity upon said motor vehicle.

§ 4. Lamps—Every motor vehicle shall carry during the period from sunset to one hour before sunrise, at least two lighted lamps showing white lights visible at least two hundred feet in the direction toward which such motor vehicle is proceeding, and shall also exhibit at least one red light visible in the reverse direction attached to the rear of such motor vehicle, except in case of a motorcycle, then the owner thereof shall have lighted at least one lamp showing a white light visible for at least two hundred feet in the direction in which it is going, upon the front thereof, and at least one red light upon the rear thereof. One of said lights shall be so located so as to at all times illuminate the rear number on said motor vehicle so that the number thereon may be read at any time from sunset to one hour before sunrise. It is further required that all lights visible in the direction toward which a motor vehicle is proceeding shall be white, and all lights visible in the reverse direction shall be red.

§ 5. Registration of Manufacturers and Dealers—Each manufacturer of and dealer in motor vehicles doing business in this State shall register one vehicle in each class manufactured or dealt in by him and if a number corresponding to the registration number issued to such manufacturer or dealer is displayed upon every vehicle of the class for which it is issued as provided in this section, while such vehicle is being operated by such manfacturer or dealer, or his agent or representative, on a public highway, it shall be deemed sufficient compliance with Sections 2, 3 and 4 of this act until such vehicle shall be sold or let for hire, provided that all electrically driven motors shall constitute a class, those propelled by steam power and those propelled by gasoline, explosive type engine, a class, and that nothing in this section shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for his private use or for hire. No motor ve-

hicle shall be used or operated upon the public highways of this State after this act shall take effect, unless the owner shall have complied in all respects with Sections 2, 3, 4 and 5 of this act.

§ 6. Registration of Subsequent Purchaser—Return of License Fee—The vendor and purchaser of every motor vehicle which has been previously registered by any person other than a manufacturer or dealer, shall as soon as possible, and not later than 5 days after such sale, join in a written statement to the Secretary of State, showing the date of sale and previous registration number and thereupon said registration shall be cancelled as to the vendor, and a State warrant drawn upon the road fund payable to said vendor for the unearned portion of said registration fee. For failure to make said joint statement to the Secretary of State within the time prescribed, the vendor and the purchaser, if found guilty, shall each be fined in the sum of $5.00.

§ 7. Non-resident Owners Not Required to Register.—The foregoing provisions of this act shall not apply to any motor vehicle owned by a non-resident of this State, provided the owner thereof has complied with the laws of his State, county, city or district, requiring the registration of motor vehicles or owners thereof, and that there is displayed upon such vehicle, the State, county, city or district and the number of registration, and that he shall have lights upon such vehicles as is provided by Section 4 of this act. And provided further that the State, county, city or district of his residence does not require registration of non-resident owners.

All resident owners of motor vehicles in this State shall be required to take out a license as provided in this Act, and a license from any other State shall be no protection to any resident owner operating a motor vehicle in this State.

§ 8. Brakes, Horns, Etc.—Every motor vehicle while in use on a public highway shall be provided with good and sufficient brakes and also with a suitable bell, horn or other sig-

nal device capable of making an abrupt sound sufficiently loud to be heard under all ordinary conditions of traffic.

No part of the machinery of any motor vehicle shall be left running while such vehicle is left standing without an attendant on any public highway in this State. It shall be unlawful for any persons to cause the blast of any signal to be given unnecessarily while such vehicle is standing or being operated upon a public highway. If any person shall violate any provision of this section, he shall be fined not less than $5.00 nor more than $50.00 for such offense.

§ 9. Speed Regulations.—No person shall drive a motor vehicle or motor bicycle upon any public highway in this State at a speed greater than is reasonable and proper, having regard to the traffic and use of the highway or so as to endanger the life or limb or injure the property of any person.

If the rate of speed of any motor vehicle or motor bicycle operated upon any public highway in this State where the same passess through the closely built up business portions of any incorporated city, town or village, exceed ten miles an hour, or if the rate of speed of any motor vehicle or motor bicycle operated upon the public highway in this State where the same passes through the residence portion of any incorporated city, town or village, exceeds fifteen (15) miles an hour, or if the rate of speed of any motor vehicle or motor bicycle operated on any public highway of this State outside of the closely built up business portions and the residence portions of any incorporated city, town or village, exceeds twenty (20) miles an hour, such rate of speed shall be prima facie evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the way, or so as to endanger the life or injure the property of any person. If the rate of speed of a motor vehicle or motor bicycle operated on a public highway in this State in going around the corner, curve or crossing in a high-

way, where the operator's view of the road traffic is obstructed, exceed eight(8) miles an hour, such rate of speed shall be prima facie evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable, having due regard to the traffic and use of the way or so as to endanger the life or injure the property of any person.

Nothing in this section shall apply to automobiles owned and operated by the fire and police departments of any municipalities in this State.

§ 10. Duty on Passing Horses.—Whenever it shall appear that any horse ridden or driven by any person upon any of said roads, or streets or highways is about to become frightened by approach of any such motor vehicle, it shall be the duty of the person driving or conducting such motor vehicle to cause the same to come to a full stop until such horse or horses shall have passed.

§ 11. Duty Concerning Street Cars.—It shall be the duty of any person operating a motor vehicle when any street car is acutally taking on or discharging passengers at the crossings or intersections of any public streets or highways, or stopping stations, to stop such motor vehicle until such passengers have been taken on or discharged from such cars.

If any person is found guilty of violating the provisions of this section, he shall be fined not less than $10.00 nor more than $50.00.

§ 12. No Other Regulations Required, Except.—No owner of a motor vehicle shall be required to display upon his motor vehicle any other number than the number of the registration issued by the Secretary of State.

Nothing herein shall be construed to conflict with the authority of any incorporated city, town or municipality, to pass such traffic ordinances and regulations regarding the operation and speed of motor vehicles as do not conflict with this act.

§ 13. Shall Not Prejudice Right of Action—Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from negligent use of motor vehicles or motor bicycles on the public highways of this State.

§ 14. Fees to Go Into Road Fund—All fees collected by the Secretary of State under this act shall be covered by him into the State Treasury on the last day of each month for the benefit of the State Road Fund, and to be applied and set apart as an addition to the fund.

The Commissioner of Motor Vehicles hereinafter provided for shall execute bond to the Commonwealth of Kentucky for the faithful discharge of his duty in the penal sum of $10,000.00; said bond shall be renewed annually. Said bond shall be deposited with the State Treasurer.

§ 15. Duty of Operator to Give Warning—Upon approaching a person walking in the roadway of a public highway, or a horse or other draft animals, being ridden or driven thereon, a person operating a motor vehicle, shall give warning of its approach by signaling with a horn, bell or other device not calculated to frighten such animal, and use every reasonable precaution to insure the safety of such person or animal, and in the case of horses, or other draft animals, to prevent frightening same and at once reduce the speed at which such vehicle is being operated and hold same under control and bring same to stop if necessary for the safety of such person or animal, having due regard for the safety of passengers in such motor vehicle.

§ 16. Operator When to Stop to Avoid Accidents—A person operating a motor vehicle shall at request or on signal by putting up the hand, from a person riding or driving a restive horse or horses or other draft animals, bring such motor vehicle immediately to a stop if necessary having due regard for the safety of persons, vehicles and animals, and if

traveling in the opposite direction remain stationary so long as may be reasonable to allow such horse or animal to pass and if traveling in the same direction use reasonable caution in thereafter passing such horse or animal. Provided that in case such horse or animal appears badly frightened or he is requested to do so, the person operating such motor vehicle shall, if apparently safer, cause the motor of such vehicle to cease running so long as shall be reasonably necesary to prevent accident and insure the safety of persons, vehicles or animals.

§ 17. Duty in Passing Others—Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any vehicle or motor vehicle, the person so operating such motor vehicle and such other person shall each reasonably turn to the right of the center of such highway so as to pass each other without interference. Any such person so operating such motor vehicle shall on overtaking any draft animal or vehicle or motor vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal, vehicle or motor vehicle, shall as soon as practicable, turn to the right so as to allow free passage on the left.

Said motor vehicle shall be reduced to a speed not to exceed 15 miles per hour while passing such horse, draft animal and other vehicle until such vehicle is safely passed, and if the driver of the motor vehicle meets another motor vehicle, such other motor vehicle shall also reduce its speed to not exceeding 15 miles per hour.

Any such person operating a motor vehicle shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the left of such intersections when turning to the left.

§ 18. Board of Examiners.—There is hereby created a Board of Examiners, whose duty it shall be to hold examina-

tions and issue licenses to chauffeurs and demonstrators of motor vehicles. Said board shall be composed of three members, two of whom are to be competent motor vehicle operators. One member of said board shall be appointed by the Governor, one by the Attorney General and the third member shall be the Commissioner of Motor Vehicles hereinafter provided for. All of said members shall hold office until the expiration of the administrative term and thereupon the members of said board shall be appointed for a term of four years. Said Commissioner of Motor Vehicles shall be the secretary and treasurer of said board and shall keep in his office at Frankfort, Kentucky, a book showing the number, name and address of all persons licensed by said board. One of said board shall act as its chairman and all licenses issued by said board shall be signed by the chairman thereof.

Said board shall cause to be printed blank applications for applications for examination and license, and all such applications shall be made upon these forms furnished to the applicant free of charge and filed with said Commissioner of Motor Vehicles. These applications when received by said Commissioner of Motor Vehicles, shall be preserved as public records as long as the Board of Examiners deem necessary. Said board shall sit for examinations of applicants at the most convenient place in the State to the greatest number of applicants. Such examinations shall be held on the second Monday in April, July and October of each year.

Each member of said board shall be paid the sum of $5.00 per day for each day actually engaged in holding such examinations, and traveling expenses, except said Commissioner of Motor Vehicles and he shall be paid his traveling expenses only when holding examinations away from Frankfort, Ky. Such expenses, together with all other expenses connected with such board shall be paid as hereinafter provided.

§ 19. Applications for Examination and License—Every person desiring to be employed as a chauffeur shall first file

his application for a license with said Commissioner of Motor Vehicles, stating his age, color, residence and length of time he has been operating a motor vehicle and be sworn to same. Together therewith there shall be filed a certificate of character as to honesty and sobriety signed by three reputable citizens of the county of his residence. Together with said application and certificate said applicant shall send the sum of $2.00 to the Secretary of said Board, which shall be the charge of such examination and license.

§ 20. Issual of Licenses—If after an examination by said board, the applicant is sufficiently qualified, and not less than 18 years of age, said board shall issue to him a license to operate motor vehicles in this State for a period of one year. At the expiration of each year said license shall be renewed by said board without further examination and the applicant shall pay a fee of $1.00 for said renewal to the treasurer of said board, but no renewal shall be for a longer period than one year.

The provisions of this act referring to chauffeurs shall apply to persons demonstrating motor vehicles other than owners or members of firms owning said motor vehicles.

§ 21. Badges for Chauffeurs and Demonstrators—Said Board of Examiners shall adopt a badge to be worn by each chauffeur and demonstrator licensed by it, when operating an automobile. The number of the license assigned to each chauffeur and demonstrator shall be upon said badge, together with the word "Ky." Said badge shall be furnished to such licensed chauffeur and demonstrator free of charge, and paid for out of the license fee. If any licensed chauffeur or demonstrator shall operate an automobile without having such badge upon his person and exposed and exhibited to full view at all times, he shall be fined in the sum of $5.00 and his license shall be cancelled. In the event such badge is lost or stolen, a duplicate shall be furnished to the former owner

by the board upon application under oath that said badge has been lost or stolen, for the sum of 50 cents.

§ 22. Fictitious Badges—If any person shall wear a chauffeur's or demonstrator's badge not assigned to such person by said board, or when not licensed by said board, or after such person's license has been cancelled for cause, or has expired, such persons so violating these provisions shall be fined in the sum of $10.00 and shall not thereafter be licensed by said board, and any such chauffeur's license in existence at such time shall be cancelled.

§ 23. Forfeiture of License.—If any person holding a license of said board shall be convicted on the charge of drunkenness while operating a motor vehicle or operating such vehicle while intoxicated, such license shall be forfeited and cancelled, and such person shall not be again licensed by said board.

§ 24. Employment of Chauffeurs and Demonstrators—It shall be unlawful for any person to employ a chauffeur or demonstrator to operate a motor vehicle, until such chauffeur or demonstrator has secured a license from said Board of Examiners. If any person shall employ an unlicensed chauffeur or demonstrator such employer shall be fined in the sum of $25.00 for such offense.

However, said Commissioner of Motor Vehicle may issue to any person applying according to the provisions set out, a temporary license and mark it such, which shall expire on the date of the first examination for chauffeurs and demonstrators to be thereafter held.

§ 25. Chauffeurs and Demonstrators Operating Motor Vehicles Without License—It shall be unlawful for any chauffeur or demonstrator to operate a motor vehicle, unless the owner thereof, without first obtaining a license so to do, and any person violating this section shall be fined in the sum of $10.00 for each offense. Each operation of such vehicle shall constitute a separate offense.

§ 26. Non-resident Chauffeurs—The provisions of this act as to obtaining license and taking examinations shall not apply to chauffeurs employed by non-resident persons where the State in which they reside requires chauffeurs to take such examination and pay a fee for such license, unless such chauffeur resides in this State.

§ 27. Dispostion of Funds.—All funds arising from license fees shall be paid over to the State Treasurer by the Secretary and Treasurer of said board, for the benefit of the State Road Fund, and out of this fund shall be paid the expenses of said board as is hereby provided, in the manner designated by law for payment of claims against the State.

§ 28. Settlements.—Said board shall at the end of each fiscal year, make a settlement of its accounts showing the receipts and expenditures. Said settlement shall be made and filed with the State Auditor of Public Accounts.

§ 29. Intoxication.—If any person shall operate any motor vehicle while intoxicated he shall be guilty of a misdemeanor and upon conviction be fined in the sum of not less than $15.00 nor more than $50.00, and if he be the owner his registration license shall be cancelled.

§ 30. Infant Operators of Motor Vehicles.—It shall be unlawful for any person to operate a motor vehicle who is less than 18 years of age unless such person be accompanied by his father, mother or guardian. Any person violating this section shall be arrested and if found guilty, fined in the sum of not less than $15.00 nor more than $25.00.

§ 31. Fictitious Numbers.—Anyone using a fictitious number or a number after the registration for same has expired, shall be deemed guilty of a misdemeanor and upon conviction fined not less than $10.00 nor more than $100.00.

§ 32. False Statement in Application for Registration—If any person shall make any false statement in his application for registration to the Secretary of State, such person shall be deemed guilty of the offense of false swearing and

punished therefor as now provided by law, and may either be prosecuted in the Franklin Circuit Court or the circuit court of his residence.

§ 33. Punishment for Violations—Any person violating the provisions of the Act where the penalty is not otherwise provided, shall be fined in any sum not less than $10.00 and not more than $50.00, or imprisoned in the county jail not less than 5 days nor more than 30 days, or both so fined and imprisoned in the discretion of the court or jury.

§ 34. Appointment of Commissioner of Motor Vehicles —There is hereby created the office of Commissioner of Motor Vehicles. The Commissioner of Motor Vehicles shall be appointed by the Secretary of State for a term of four years, and the first term shall begin on July 1st, 1914. The Commissioner of Motor Vehicles shall have his office with the Secretary of State and his department shall be one of the branches of the department of the State. The said Commissioner shall have the power to appoint one deputy commissioner and one stenographer, who shall hold office at his pleasure.

It shall be the duty of the Commissioner of Motor Vehicles and his deputy to see that the provisions of the law are enforced and to perform all the duties imposed upon the Commissioner by the provisions of this act.

If it is necessary in the performance of the offical duties for the Commissioner or his deputy to leave the seat of government they shall be allowed their actual necessary expenses while in the performance of all such duties, and all such expenses shall be paid upon an itemized statement duly verified by the person incurring the expense, after the same has been approved by the Attorney General.

The total expense for the clerical and executive force necessary for the carrying of this act into effect, and for the proper enforcement of this law, shall not exceed the sum of one ($1.00) dollar for each motor vehicle registered under this act, and the said compensation of the clerical and executive

force shall be fixed by the Sinking Fund Commissioners of the Commonwealth, as soon as this act shall become effective. The salaries of these officials shall be paid in the same manner of the other State officials, but the amount of the salaries shall be paid out of the fees received by this department, and no part of the expenses of this department shall be paid in any other manner except from fees collected under the provisions of this act.

§ 35. Taking Motor Vehicle Without Consent of Owner. —Any person who shall unlawfully take, drive or operate a motor vehicle without the knowledge and consent of the owner shall be guilty of the offense of grand larceny, and upon conviction shall be punished by confinement in the penitentiary for a period of not less than two or more than five years.

§ 36. Owner to Discharge Chauffeur or Demonstrator—When—Report—If a chauffeur or demonstrator shall operate a motor vehicle while intoxicated it shall be the duty of the owner thereof to immediately discharge him from his employ and report such discharge and intoxication to said Board of Examiners. If said report be true upon investigation said board shall cancel the offender's license as heretofore provided. If such owner fail to make such discharge and the report thereof, his registration license shall be cancelled and forfeited.

§ 37. Duty of Trial Court—Report—All trials held when any owner, chauffeur or demonstrator is charged with operating a motor vehicle while intoxicated, if said person be convicted, the presiding judge at such trial shall immediately thereafter forward to said Board of Examiners a copy of such judgment over the official signature of such judge or the clerk of such court, and in the event of an owner, said board shall report same to the Secretary of State.

§ 38. Repealing All Laws or Parts of Laws in Conflict —All acts or parts of acts in conflict with this act are hereby repealed to the extent of such conflict and especially Chapter

81 of the Acts of 1910 and Section 2739 G. of the Kentucky Statutes are hereby repealed.

The Committee on Public Roads and Highways offered the following amendment to said bill:

Section 2. By striking out the words "of eight and 50-100 ($8.50) dollars on each and every motor vehicle so registered under this Act," in lines 10 and 11, and inserting in lieu thereof the following: "Of six dollars on each motor vehicle up to twenty-five horse power; eleven dollars on each motor vehicle of twenty-five horse power and over up to fifty horse power and twenty dollars on each motor vehicle of fifty horse power and over.

Also by striking out the words "and the filing in the office of the Secretary of State an affidavit to the effect that the original certificate of registration was lost, stolen or destroyed" in lines 35 and 36.

Section 7. By adding at the end thereof these words: "Provided that nothing herein contained shall prevent any city of the first, second, third or fourth class from requiring motor vehicles other than passenger motor vehicles from paying a license for the use of the streets in such cities."

Section 15. By adding at the end thereof these words: "When any person driving a motor vehicle reaches any point on a public street or highway where he cannot see the road on which he is driving in front of him for a distance of three hundred feet he shall give warning of the approach of his machine by signalling with a horn, bell or other device."

Section 18. By striking out this sentence: "Said Board shall sit for examination of applicants at the most convenient place in the State to the greatest number of applicants. Such examinations to be held on the second Monday in April, July and October of each year," in lines 22, 23, 24 and 25, and insert in lieu thereof the following: "Said Board shall hold an examination for applicants in Louisville, Kentucky, on the

first Monday in December in each year; at Lexington on the first Monday in February in each year; at Maysville on the first Monday in April of each year; at Bowling Green on the first Monday in July of each year, and at Paducah on the first Monday in September in each year.

Section 21. By striking out the words "for the sum of fifty cents" at the end of said section, and by changing the comma after the word "stolen" to a period, and by inserting the words "for the sum of fifty cents" in line 12 after the word "owner" and before the word "by."

Section 24. By changing the period after the word "held" at the end of said section to a comma, and by adding thereafter these words "but if the examination held for chauffeurs is not next held in the city nearest the residence of the applicant his temporary license shall remain in force until the examination next held in the city nearest his residence, at which time he must take such examination or his temporary license shall be cancelled."

Section 25. By striking out the words "unless the owner thereof" in line 3, and inserting in lieu of same the words "except he be the owner thereof."

Section 30. By changing the period after the word "guardian" at the end of line 3 to a comma and adding thereafter these words "or some person over the age of twenty-one years who accompanies such person with the consent of the father, mother or guardian." And also by striking out the figures 18 between the word "than" and "years" in line 2 and substituting therefor the figures "16."

Section 34. By striking out the words "Secretary of State" in lines 3 and 4, and inserting in lieu thereof the words "commissioners of the Sinking Fund" and by striking out the words "on July 1st, 1914," in lines 4 and 5, and inserting in lieu thereof these words," upon the date that this law becomes operative."

Said amendment was agreed to.

Mr. Price offered the following amendment to said bill:

Amend H. B. 242 by adding at the end of line 13, section 34, page 15, the following: "The Commissioner shall each month cause to be printed in convenient form, in such numbers as he may deem necessary, the names of the owners of motor vehicles registered during the month previous, their addresses, and the distinctive number assigned to each; and he shall furnish a copy thereof to each county clerk and to such city chiefs of police as shall make application therefor."

Said amendment was agreed to.

Mr. Klette offered the following amendment to said bill:

Amend Section 3 of H. B. 242 by striking out said section and inserting in lieu thereof the following:

Section 3. Numbers to be Displayed Upon Motor Vehicles—The owner of each motor vehicle shall have a number corresponding with the certificate of registration issued by the Secretary of State, as hereinbefore provided, conspicuously displayed on the front and rear of each motor vehicle owned by him.

Upon the filing in the office of the Secretary of State of said application as herein provided, the Secretary of State shall, upon payment of two dollars by said applicant, assign to such motor vehicle as described in said application a number as an identification which shall consist of a sign, upon the face of which shall appear the distinctive number assigned to such a motor vehicle as herein provided. Such number to be not less than 4" in length and each stroke not less than one-half inch in width. Such sign shall also contain the name or abbreviation of the name of the State and the figuers of the calendar year for which the distinctive number is issued. Said number shall be issued in duplicate and one shall be at-

tached to and displayed at the rear thereof. The rear number shall be arranged and illuminated with light immediately in the rear of said sign so as to illuminate the number contained therein. Said sign shall consist of transparent front plate and interlocking numbers so connected and arranged that the numbers composing said sign cannot be taken apart without mutilating the sign. Said illuminated sign shall be displayed at all times after dark and while the motor vehicle is in operation and upon the highways at rest.

Said amendment was disagreed to.

Mr. H. C. Duffy offered the following amendment to said bill:

Amend Section 2, line 10, by inserting "fifteen dollars" in lieu of "eight dollars and fifty cents," and for motor-cycle, "nine dollars" in lieu of "five dollars," in lines 12 and 13.

Said amendment was disagreed to.

Mr. Greene offered the following amendment to said bill:

Amend H. B. 242 by striking from Section 27, page 15, all words following the word "treasurer" in line 2 and ending with the word "State" in line 6; also by striking out the word "treasurer" in line 2, page 15, and inserting in lieu thereof the word "treasury;" also by striking from Section 14, page 9, all words between the word "treasury," in line 3, and the word "fund," inclusive, at the ending of line four.

Said amendment was disagreed to.

Mr. Lay offered the following amendment to said bill:

Amend H. B. 242 by striking out Section 34 and inserting

in lieu thereof the following: "The Secretary of State shall issue said license and shall retain fifteen cents on each license so issued in payment for his service."

Said amendment was agreed to.

Mr. H. J. Meyers offered the following amendment to said committee amendment:

"Amend the committee amendment proposed to said bill by striking out Section 7 of committee amendment."

Said amendment was agreed to.

Mr. McDyer moved the previous question.

Said motion was agreed to.

Mr. J. C. Duffy moved to reconsider the vote by which the amendment proposed by Mr. Lay was adopted.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	J. B. Harvey	John A. Polin
Harry Avery	H. H. Hays	W. A. Price
Wallace Bailey	Dr. S. L. Henry	J. D. Pumphrey
J. M. Billeter	D. H. Hillman	Richard Radcliffe
Henry C. Blades	J. J. Huff	Dr. W. R. Ray
Joseph Boitnott	R.B.Hutchcraft,Jr.	Stanley F. Reed
Elmer L. Brown	T. R. Jones	S. H. Rogers
A. T. Bryson	John A. Judy	W. E. Rogers
Ed. F. Cecil	Griffin Kelly	B. T. Rountree
J. G. Coke, Jr.	John H. Klette	S. M. Saufley
Benj. L. Cox	William J. Kuh	A. W. Sharp
Geo. T. Davis	J. C. Lay	W. A. Shawler
James R. Dorman	Simon B. Lott	Adam Spahn
John W. Douglas	C. R. Luker	Ed. D. Stone
H. C. Duffy	Dr.J.N.M'Cormack	W. T. Stott
John C. Duffy	Geo. M. McDowell	Louis Tieman
William Duffy	John McDyer	N. C. Tilford
Odie Duncan	W. T. McNally	M. S. Walton, Jr.
G. P. Durrett	T. T. Mobley	James T. Webb
Thomas J. Evans	J. R. Mount	W. M. Webb
W. N. Flippin	Harry J. Meyers	John F. White
Vert C. Fraser	Zach. L. Myers	N. B. White
C. M. Gum	John E. Newman	M. O. Wilson
Elwood Hamilton	S. Mazyck O'Brien	Roy S. Wilson
W. L. Hampton	A. W. Palmer	Douglas G. Wood
V. D. Hammond	Lyman J. Parrigin	
H. H. Harrington	Lilburn Phelps	—79

Those voting in the negative were—

Geo. B. Barrett	Frank C. Greene	J. D. Wills

—3

Resolved, That the title thereof be as aforesaid.

Mr. H. J. Meyers moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hamilton moved that the session be extended indefinitely.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 440. An Act to amend an Act entitled "An Act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof," approved March 27, 1902; amended March 26, 1904; March 21, 1906; March 10, 1910, and March 18, 1912.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas, heretofore the appropriations for the Kentucky Confederate Home have averaged the sum of $10,431.00 per quarter; and,

Whereas, the average age of the persons now inmates of the Kentucky Confederate Home is seventy-five years, and increasing infirmities of the said inmates who, in large number, are now in the Infirmary, make it necessary to have a fixed income, instead of per capita:

Therefore, be it enacted that for a period of four years, commencing April 1, 1914, there is hereby appropriated for the maintenance and support of the Kentucky Confederate Home, the sum of ten thousand two hundred and eighty dollars ($10,280.00) quarterly; and the Auditor of the State of

Kentucky is hereby directed to draw his warrant on the Treasurer of the State of Kentucky, on the first of every quarter, in favor of the Treasurer of the Kentucky Confederate Home, for said sum of ten thousand two hundred and eighty dollars ($10,280.00), and which is to be used and set apart for the clothing, feeding, maintenance of the inmates, and operation of said Confederate Home; and which is to be in lieu, for the period of four years, of the per capita of $175.00 heretofore provided for each inmate of the home.

Mr. Davis moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were —.

Peter Ampler	John W. Douglas	V. D. Hammond
Harry Avery	John Drescher	H. H. Harrington
Geo. B. Barrett	H. C. Duffy	H. H. Hays
J. M. Billeter	John C. Duffy	W. E. Henninger
Joseph Boitnott	William Duffy	Dr. S. L. Henry
Elmer L. Brown	Odie Duncan	D. H. Hillman
Ed. F. Cecil	G. P. Durrett	J. J. Huff
J. G. Coke, Jr.	Thomas J. Evans	R.B.Hutchcraft,Jr.
Benj. L. Cox	Frank C. Greene	T. R. Jones
Geo. T. Davis	Elwood Hamilton	John A. Judy
James R. Dorman	W. L. Hampton	Griffin Kelly

William J. Kuh	William A. Perry	Adam Spahn
C. R. Luker	John A. Polin	W. T. Stott
Dr.J.N.M'Cormack	Dr. T. J. Poteet	Louis Tieman
Geo. M. McDowell	J. D. Pumphrey	N. C. Tilford
John G. Miller, Jr.	Richard Radcliffe	M. S. Walton, Jr.
T. T. Mobley	Dr. W. R. Ray	James T. Webb
Zach. L. Myers	Stanley F. Reed	W. M. Webb
John E. Newman	W. E. Rogers	John F. White
S. Mazyck O'Brien	A. W. Sharp	N. B. White
A. W. Palmer	W. A. Shawler	
Lilburn Phelps	L. M. Smith	—64

Those voting in the negative were—

W. N. Flippin	J. R. Mount	B. T. Rountree
C. M. Gum		—4

Resolved, That the title thereof be as aforesaid.

Mr. Henry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 411. An Act to prevent the employment of private guards and gunmen and fixing the penalty for so doing, as well as preventing any one from acting in the capacity of guards or gunmen and fixing the penalty for so doing.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any railroad company, coal

company or other industrial concern or individual, whether it be a private corporation, joint-stock company, co-partnership, or individual enterprise, to employ any armed guards or agents or to arm any of its employes or agents for the purpose of going forth to intimidate, hurt or harm any of the citizens of this Commonwealth or other persons, whether in the day time or at night, or otherwise.

§ 2. It shall be unlawful for any person to accept the employment of a private guard or agent as denounced by section 1 of this Act, or as such guard or agent to arm himself with gun, pistol, knife, club or other deadly weapon and to go forth in day time or at night, for the purpose of following, intimidating, harming or hurting any citizen of this Commonwealth, or other person, or to enter or interfere with any lawful assembly, whether upon the streets of any city, upon any public highway or in any private place, or to attempt to abridge the right of free speech, or to engage in any other unlawful conduct.

§ 3. Any railroad company, coal company, private corporation, joint stock company, co-partnership or other industrial concern or individual violating the provisions of Section 1 of this Act shall upon first conviction be fined not less than one thousand dollars, or more than five thousand dollars; upon second conviction shall be fined not less than five thousand dollars, nor more than ten thousand dollars; and upon the third conviction, shall pay the last named fine and in addition shall forfeit its charter or right to do business in this State.

§ 4. Any person accepting the position of private armed guard or agent as denounced in Section two of this Act, and shall arm himself with guns, pistols, knives, clubs or other deadly weapon, and shall go forth by day or by night and shall follow, shadow, intimidate or hurt or harm, or shall threaten to hurt or to harm or to do violence to any citizen of this Commonwealth, or other person in this State, or shall disturb or enter any lawful assembly, whether upon the streets of any

city or town or upon any public highway, or in any private place or shall by threats or otherwise, attempt to abridge the right of free speech or shall engage in any other unlawful conduct, shall be guilty of a felony and upon conviction be confined in the penitentiary for not less than one, nor more than five years.

5. All laws or parts of laws in conflict with the foregoing are hereby repealed.

Mr. Judy moved that said bill be tabled.

The yeas and nays being required thereon by Messrs. Klette and McNally were as follows, viz.:

Those voting in the affirmative were—

John W. Douglas John A. Judy John F. White —3

Those voting in the negative were—

Peter Ampler	Thomas J. Evans	William J. Kuh
Wallace Bailey	W. N. Flippin	Simon B. Lott
Jas. W. Barrall	Vert C. Fraser	C. R. Luker
Geo. B. Barrett	Frank C. Greene	Geo. M. McDowell
J. M. Billeter	C. M. Gum	W. T. McNally
Joseph Boitnott	W. L. Hampton	John G. Miller, Jr.
Elmer L. Brown	V. D. Hammond	T. T. Mobley
Ed. F. Cecil	H. H. Harrington	J. R. Mount
J. G. Coke, Jr.	W. E. Henninger	Zach. L. Myers
Benj. L. Cox	Dr. S. L. Henry	John E. Newman
Geo. T. Davis	D. H. Hillman	S. Mazyck O'Brien
John Drescher	J. J. Huff	A. W. Palmer
H. C. Duffy	R.B.Hutchcraft,Jr.	Lyman J. Parrigin
John C. Duffy	J. M. Johnson	Lilburn Phelps
William Duffy	T. R. Jones	Dr. T. J. Poteet
Odie Duncan	Griffin Kelly	J. D. Pumphrey
G. P. Durrett	John H. Klette	Richard Radcliffe

Dr. W. R. Ray	W. A. Shawler	James T. Webb
Stanley F. Reed	L. M. Smith	N. B. White
S. H. Rogers	W. T. Stott	J. D. Wills
B. T. Rountree	Louis Tieman	M. O. Wilson
S. M. Saufley	N. C. Tilford	Roy S. Wilson
A. W. Sharp	M. S. Walton, Jr.	—68

And so said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Thomas J. Evans	John H. Klette
Harry Avery	W. N. Flippin	William J. Kuh
Wallace Bailey	Vert C. Fraser	J. C. Lay
Geo. B. Barrett	Frank C. Greene	Simon B. Lott
J. M. Billeter	C. M. Gum	C. R. Luker
Joseph Boitnott	Elwood Hamilton	Geo. M. McDowell
Elmer L. Brown	W. L. Hampton	W. T. McNally
A. T. Bryson	V. D. Hammond	T. T. Mobley
Glover H. Cary	H. H. Harrington	J. R. Mount
Ed. F. Cecil	H. H. Hays	Zach. L. Myers
Benj. L. Cox	W. E. Henninger	S. Mazyck O'Brien
John Drescher	Dr. S. L. Henry	Lyman J. Parrigin
H. C. Duffy	D. H. Hillman	Lilburn Phelps
John C. Duffy	J. J. Huff	William A. Perry
William Duffy	R.B.Hutchcraft,Jr.	Dr. T. J. Poteet
Odie Duncan	J. M. Johnson	Richard Radcliffe
G. P. Durrett	T. R. Jones	Dr. W. R. Ray

Stanley F. Reed	Adam Spahn	James T. Webb
B. T. Rountree	W. T. Stott	W. M. Webb
S. M. Saufley	Louis Tieman	J. D. Wills
A. W. Sharp	N. C. Tilford	M. O. Wilson
W. A. Shawler	M. S. Walton, Jr.	Roy S. Wilson

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Those voting in the negative were—

J. G. Coke, Jr.	John McDyer	W. E. Rogers
John W. Douglas	John A. Polin	John F. White
John A. Judy	S. H. Rogers	

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Resolved, That the title thereof be as aforesaid.

Mr. Luker moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Roy S. Wilson moved that when this House adjourn it be to meet at 9:00 o'clock tomorrow morning.

Said motion was agreed to.

The following pair was presented to the Clerk:

"We, the undersigned members of the House of Representatives, have agreed to pair on H. B. 221. Shelton Saufley, if present, would vote for said bill, and John Judy, if present, would vote against said bill.

"(Signed) SHELTON SAUFLEY,
"JOHN JUDY."

The House took up for consideration from the orders of the day a bill entitled:

H. B. 221. An Act to amend Section 145 of the Constitution of the Commonwealth of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

More than three-fifths of all the members elected to each House concurring, the yeas and nays being taken thereon, and entered in full in their respective journals:

§ 1. That Section 145 of the Constitution be and it is hereby amended and revised by striking out the word "male," being the second word of said section, following the word "every," and preceding the word "citizen," and by adding the words "or she" following the word "he" and preceding the word "offers," so that said section as amended will read as follows:

"Every citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and the precinct in which he or she offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere, but the following persons are excepted and shall not have the right to vote:

"1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare, shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by Executive pardon.

"2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

"3. Idiots and insane persons."

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Consti-

tution of Kentucky, and under Section 1459 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1909.

Mr. Greene offered the following amendment to said bill:

Amend H. B. 221 by adding the following section: "All wives failing to vote as their husbands vote shall be denied further right to vote for a period of five years."

Said amendment was disagreed to.

Mr. Walton offered the following amendment to said bill:

Amend by adding to section 1, at the end thereof:

"4. Female persons who are unable to read and write the Constitution of the United States and explain a section thereof."

Said amendment was disagreed to.

Mr. Henry moved that said bill and all pending amendments be laid on the table.

Said motion was disagreed to.

Mr. Lay offered the following amendment to said bill:

Amendment to H. B. 221: No one but mothers shall be entitled to vote—old maids not excepted.

Said amendment was disagreed to.

Mr. Kelly offered the following amendment to said bill:

Amend H. B. 221 by adding after the word "vote," in line 12, "that no female shall be allowed to vote except mothers."

Said amendment was disagreed to.

Mr. Douglas moved the previous question.

Said motion was agreed to.

Mr. H. C. Duffy moved that the vote by which the previous question was ordered be reconsidered.

Said motion was agreed to.

Mr. Ray moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and was rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	Dr.J.N.M'Cormack
Ed. F. Cecil	W. L. Hampton	W. T. McNally
Benj. L. Cox	V. D. Hammond	John G. Miller, Jr.
W. N. Flippin	D. H. Hillman	T. T. Mobley
Vert C. Fraser	T. R. Jones	J. R. Mount
Frank C. Greene	Simon B. Lott	Lyman J. Parrigin

William A. Perry	W. T. Stott	J. D. Wills
Richard Radcliffe	N. C. Tilford	M. O. Wilson
Stanley F. Reed	W. M. Webb	Roy S. Wilson
Ed. D. Stone	John F. White	—29

Those voting in the negative were—

Harry Avery	E. V. Hall	Lilburn Phelps
Wallace Bailey	H. H. Harrington	S. Mazyck O'Brien
Jas. W. Barrall	J. B. Harvey	A. W. Palmer
Elmer L. Brown	H. H. Hays	John A. Polin
A. T. Bryson	W. E. Henninger	Dr. T. J. Poteet
Glover H. Cary	Dr. S. L. Henry	W. A. Price
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Geo. T. Davis	J. M. Johnson	Dr. W. R. Ray
John W. Douglas	Griffin Kelly	S. H. Rogers
John Drescher	John H. Klette	W. E. Rogers
H. C. Duffy	William J. Kuh	B. T. Rountree
John C. Duffy	J. C. Lay	A. W. Sharp
William Duffy	C. R. Luker	L. M. Smith
Odie Duncan	Geo. M. McDowell	Adam Spahn
G. P. Durrett	John McDyer	M. S. Walton, Jr.
Thomas J. Evans	Harry J. Meyers	James T. Webb
M. J. Farris, Jr.	Zach. L. Myers	
C. M. Gum	John E. Newman	—52

Mr. Douglas moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles:

S. B. 269. An Act relating to liens of employes and material men on property or railroads and other improvement companies.

To the Committee on Judiciary.

S. B. 307. An Act requiring each county to have a depository for public funds and providing the method of selecting such depository.

To Committee on Banks and Banking.

S. B. 358. An Act to amend Section 747, Sub-division 8, Chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, deputy and clerks.

To the Committee on Insurance, Fire and Marine.

S. B. 321. An Act further regulating the operation of coal mines, to provide a more efficient supervision and regulation of such mines, and to provide for the appointment of two additional inspectors, to fix the salaries of the Chief Inspector and the assistant inspectors of mines and to otherwise provide for the greater protection to the lives and health of persons employed in and about the coal mines of this State.

To the Committee on Mines and Mining.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Hutchcraft, of the Committee on Banks and Banking:

H. B. 513. An Act to amend Sec. 577, Kentucky Statutes, relating to Banks and Banking.

By Mr. Mount, of the Committee on Railroads:

H. B. 557. An Act to exempt new lines of railroads from taxes for five years.

By Mr. Roy S. Wilson, of the Committee on Insurance, Life and Accident:

S. B. 121. An Act to amend an Act entitled "An Act for the creation and regulation of private corporations," being an Act relating to the subject of insurance and the transaction of the business of life and casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan.

By Mr. Blades, of the Committee on Redistricting—Legislative:

S. B. 258. An Act to create the sixteenth, nineteenth, twenty-eighth and twenty-ninth senatorial districts.

By Mr. Hammond, of the Committee on Education No. 1:

H. B. 634. An Act to provide separate trustees for white and colored schools.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar bills of the following titles:

H. B. 496. An Act to provide for the inspection of all public and private charitable and reformatory institutions.

S. B. 25. An Act to repeal Section 950, Kentucky Statutes.

H. B. 589. An Act to regulate the sale of methyl alcohol, commonly known as wood alcohol.

S. B. 205. An Act to amend and re-enact Article 1, Chapter 52, of the Kentucky Statutes, edition of 1909, being Sections 1833 to 1851, inclusive, entitled "Fiscal Courts," as amended by an Act entitled "An Act to amend Section 1850 of the Kentucky Statutes, edition of 1909, "being Chapter 116 of the Acts of 1910.

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912, relating to the incorporation of banks, combined banks and trust companies and to amend Section 6 of said Act by providing for the employment of an additional bank examiner.

S. B. 281. An Act to regulate express companies and place their supervision under the Railroad Commission, and to give the Railroad Commission power to regulate the rates that may be charged by them.

S. B. 76. An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a National Forest Reserve in said State.

S. B. 313. An Act changing the name of the Capitol Square Police to Executive Marshal, and prescribing his duties and fixing his compensation.

H. B. 591. An Act to provide for the organization and management of mutual employers' liability insurance companies.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

And then the House adjourned.

FRIDAY, MARCH 13, 1914.

The House was opened with prayer by the Rev. F. W. Eberhardt, of the First Baptist Church, of the city of Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. H. J. Meyers offered the following joint resolution:

Whereas, A. E. Barrett, third class school teacher of Elkhorn City, Pike County, Kentucky, was employed by the division Board of Education in Division No. 8, Sub-district No. 80, Pike County, Kentucky, to teach in said district, having a census enrollment of one hundred and fifty pupil children, and said Barrett having taught said school for a term of six months and reported the same to the County Superintendent and trustees as required by law, said Barrett being an assistant teacher under G. T. Hawkins, who held a first-class certificate, and the people of said district accepting the services of said Barrett for the said term by sending their children to school. W. E. Flanery, then County Superintendent of Pike County, refused to pay Barrett his salary as teacher for the reasons that Barrett was a third-class teacher,

teaching as assistant in a first-class school. Barrett instituted an action in the Pike Circuit Court against said Flanery, which was finally determined in the Court of Appeals of Kentucky, as set forth in the opinion of the Court of Appeals in Kentucky Reports, page 712, which opinion denied Barrett pay for said services as teacher in the sum of $253.80; therefore,

Be it resolved by the House of Representatives, the Senate concurring therein:

That there be appropriated out of any funds in the State Treasury not otherwise appropriated the sum of $253.80 for the use and benefit of A. E. Barrett, of Praise Postoffice, Pike County, Kentucky, to pay him for said services as assistant teacher in sub-district No. 80, division 8, Pike County, Kentucky, and the Auditor is hereby authorized to draw his warrant in favor of said Barrett for said amount and the Treasurer is hereby authorized to pay said amount.

Ordered that said resolution lie on the Clerk's desk.

Mr. Drescher called up from the Clerk's desk for consideration a resolution of the following title, viz.:

H. Res. 38. Resolution appropriating one hundred and twenty-five dollars for the repair of the monument of General Zachary Taylor, property of the Commonwealth of Kentucky.

(For said resolution see Journal of March 12th.)

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Frank C. Greene	Dr.J.N.M'Cormack
Harry Avery	C. M. Gum	Geo. M. McDowell
J. M. Billeter	E. V. Hall	John McDyer
Henry C. Blades	Elwood Hamilton	T. T. Mobley
Joseph Boitnott	W. L. Hampton	Harry J. Meyers
A. T. Bryson	H. H. Harrington	Lilburn Phelps
C. W. Burton	J. B. Harvey	John A. Polin
Ed. F. Cecil	H. H. Hays	W. A. Price
J. G. Coke, Jr.	W. E. Henninger	Dr. W. R. Ray
Benj. L. Cox	J. J. Huff	Stanley F. Reed
Geo. T. Davis	J. M. Johnson	B. T. Rountree
James R. Dorman	T. R. Jones	Adam Spahn
John W. Douglas	John A. Judy	W. T. Stott
John Drescher	Griffin Kelly	Louis Tieman
H. C. Duffy	John H. Klette	M. S. Walton, Jr.
John C. Duffy	William J. Kuh	James T. Webb
William Duffy	J. C. Lay	W. M. Webb
G. P. Durrett	C. R. Luker	N. B. White

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There voted in the negative—

J. D Wills —1

And so said resolution was adopted.

Mr. McCormack moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 23. An Act to repeal Chapter 10, Session Acts 1906, and to provide for a dog tax.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter ten of the Act of 1906, approved March 1, 1906, be, and the same is hereby repealed, and that it be enacted in lieu thereof. That upon the filing of a petition of two hundred land owners in any county in this Commonwealth in the County Clerk's office of said county, asking that the County Court order an election for the purpose of taking the sense of the people as to whether a dog tax shall be collected or not, provided said petition shall be filed twenty days before the next regular election. The County Court shall order an election to be held on the day of the regular election at which all legal voters may vote for or against a dog tax in said county. And the vote, when taken, shall be compared as the returns of the general election are compared and certified to the County Court of the county so voting and entered of record in the County Clerk's office of said county, and where said returns and certificate show that a majority of the voters of any county of this Commonwealth have voted that a dog tax be levied the assessor shall assess each and every dog over six months old in said county at $1.00 each, and the sheriff or tax collector of said counties shall collect said tax as other revenue and pay it to the Auditor of this Commonwealth.

§ 2. That in any county voting said tax any person who loses sheep by dogs may prove the number and value of said sheep before the County Court and have the same certified to the Auditor for payment, who shall annually pay said amount so certified, and the remainder of said dog tax, after paying said claims, shall be paid by the Auditor to the County Court, and used for the improvement of the public roads in the counties voting said dog tax. Said tax to be paid out on the order of the County or Fiscal Court of said county.

§ 3. That all laws in conflict with this Act are hereby repealed.

Mr. Hall offered the following amendment to said bill:

Amend H. B. 23, by inserting in Sec. 1, line 8, after the word, "election," the following: "Said petition shall state whether said tax shall apply to all dogs, or whether one dog owned by each family shall be exempt from such tax."

Strike out of Sec. 1, line 16, after the word "assess," the words "each and every dog over six months old," and insert in lieu thereof "all dogs over six months old, subject to taxation under the petition and election held."

Said amendment was agreed to.

Mr. Reed offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 10, Acts of March 1, 1906, be and the same is hereby amended by adding thereto, as Section 11, the following:

Section a. The provisions of the foregoing sections shall not apply to any county which upon a vote as hereinafter provided, shall declare against the dog tax as hereinbefore provided.

Section b. Upon the petition of one hundred voters of any county filed in the County Court of such county asking a submission of the question whether there shall be levied in that county a dog tax, as hereinbefore provided, the county court shall direct the officers of election in such county to open a poll at the next regular election held in such county, in not less than sixty days after the filing of such petition,

for the purpose of ascertaining the will of the voters of such county as to whether or not there shall be a tax on dogs and the same shall not be changed for a period of four years.

Section c. Notice of such election and the question to be submitted shall be published twenty days before the election in at least four issues of a paper published in such county and if there be no paper, by posting such notice at the court house door and in four other places in the county. The fiscal court shall pay the proper audited claim for the expenses of such election.

Section d. When an election is ordered as herein provided, the county clerk shall have printed on the ballots for the county the question, "for or against the taxing of dogs in county," and if a majority of those voting upon this question shall vote in favor of a tax on dogs, then this law shall be in effect in the county where the vote is taken, but if a majority of those voting upon this question shall vote against the taxing of dogs then no assessment of dogs for taxation or any collection of said tax shall be lawful.

Section e. The poll of election held under this law shall be compared, and the result announced in the matter at the time and by the persons authorized to compare the polls and declare the result in other general elections, and the result shall be spread upon the records of the county court at its next regular term held after the result is declared and the result of election may be contested in the matter provided for the contest of elections held for county officers, except that notice of the contest shall be signed by at least five persons who voted at the election and shall be served upon the county judge of the county, but no costs shall be recovered by either side.

Said amendment by way of substitute was disagreed to.

Mr. Farris offered the following amendment to said bill:

"That until an election is called under the provisions of this Act, the dog tax law shall remain in full force and effect and the taxes on dogs shall be collected and distributed as provided by the law in effect prior to the passage of this Act."

Said amendment was agreed to.

Mr. H. C. Duffy offered the following amendment to said bill:

Amend by providing: "That the surplus of money occurring each year shall be reserved during a period of five years to pay for sheep killed during that period. At the expiration of five years said surplus shall be paid over to the public school fund of the county."

Said amendment was agreed to.

Mr. Smith offered the following amendment to said bill:

Amend by adding: "Any person who shall fail to list for taxation any dog owned by him shall be fined not less than ten dollars nor more than twenty dollars."

Said amendment was agreed to.

Mr. McCormack moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

J. M. Billeter	H. H. Hays	Dr. T. J. Poteet
Joseph Boitnott	W. E. Henninger	J. D. Pumphrey
Elmer L. Brown	Dr. S. L. Henry	Richard Radcliffe
A. T. Bryson	D. H. Hillman	Stanley F. Reed
Glover H. Cary	J. J. Huff	S. H. Rogers
Ed. F. Cecil	R. B. Hutchcraft Jr.	W. E. Rogers
James R. Dorman	J. M. Johnson	B. T. Rountree
John W. Douglas	T. R. Jones	S. M. Saufley
John Drescher	John H. Klette	A. W. Sharp
John C. Duffy	J. C. Lay	W. A. Shawler
William Duffy	Simon B. Lott	L. M. Smith
Odie Duncan	C. R. Luker	Adam Spahn
G. P. Durrett	John McDyer	Ed. D. Stone
Thomas J. Evans	W. T. McNally	W. T. Stott
W. N. Flippin	T. T. Mobley	N. C. Tilford
Vert C. Fraser	J. R. Mount	James T. Webb
Frank C. Greene	John E. Newman	W. M. Webb
C. M. Gum	S. Mazyck O'Brien	N. B. White
E. V. Hall	A. J. Oliver	M. O. Wilson
Elwood Hamilton	A. W. Palmer	Roy S. Wilson
V. D. Hammond	Lyman J. Parrigin	
J. B. Harvey	Lilburn Phelps	—64

Those voting in the negative were—

C. W. Burton	W. L. Hampton	John A. Polin
J. G. Coke, Jr.	H. H. Harrington	W. A. Price
Benj. L. Cox	John A. Judy	Dr. W. R. Ray
Geo. T. Davis	Griffin Kelly	M. S. Walton, Jr.
H. C. Duffy	Dr. J. N. M'Cormack	J. D. Wills
M. J. Farris, Jr.	Zach. L. Myers	
Ed. Frost	C. B. Nichols	—19

Resolved, That the title thereof be as aforesaid.

Mr. Douglas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title:

H. B. 229. An Act to amend Chapter 75 of the Acts of the General Assembly of 1912, assigning cities and towns of this Commonwealth to the class to which they belong.

With amendments thereto.

The House took up for consideration a bill entitled:

H. B. 229. An Act to amend Chapter 75 of the Acts of the General Assembly of 1912, assigning cities and towns of this Commonwealth to the class to which they belong.

Together with amendments proposed thereto by the Senate.

(For said bill see House Journal of February 17th.)

The amendments proposed thereto by the Senate are as follows:

Amend by adding after the figures "1917," in line 11, the following words: "And re-assigning Jackson, Breathitt County; Hazard, Perry County; Tompkinsville, Monroe County; Irvine, Estill County; Drakesboro, Muhlenberg

County; Crab Orchard, Lincoln County; Murray, Calloway County, to a new classification.''

Amend line 60, by striking therefrom the words ''Jackson, Breathitt County,'' and inserting the same in line 36, after the word ''county,'' and by adding to the same line the words ''Hazard, Perry County.''

Amend line sixty-three (63) by inserting the words ''Tompkinsville, Monroe County; Irvine, Estill County.''

Amend by striking out the words ''Murray, Calloway County,'' in line forty-nine (49), and insert after the word ''county,'' in the thirty-sixth (36) line, the words ''Murray, Calloway County.''

Said amendments were concurred in.

Said bill, as amended, was then finally passed.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Geo. T. Davis	Vert C. Fraser
Harry Avery	James R. Dorman	Ed. Frost
J. M. Billeter	John W. Douglas	C. M. Gum
Henry C. Blades	John Drescher	Elwood Hamilton
Joseph Boitnott	H. C. Duffy	W. L. Hampton
Elmer L. Brown	John C. Duffy	V. D. Hammond
C. W. Burton	William Duffy	H. H. Harrington
Glover H. Cary	G. P. Durrett	J. B. Harvey
Ed. F. Cecil	Thomas J. Evans	H. H. Hays
J. G. Coke, Jr.	M. J. Farris, Jr.	W. E. Henninger
Benj. L. Cox	W. N. Flippin	Dr. S. L. Henry

D. H. Hillman	J. R. Mount	S. H. Rogers
J. J. Huff	Harry J. Meyers	S. M. Saufley
R.B.Hutchcraft,Jr.	Zach. L. Myers	Adam Spahn
T. R. Jones	John E. Newman	Ed. D. Stone
John A. Judy	A. J. Oliver	W. T. Stott
Griffin Kelly	A. W. Palmer	Louis Tieman
John H. Klette	Lyman J. Parrigin	N. C. Tilford
William J. Kuh	Lilburn Phelps	M. S. Walton, Jr.
J. C. Lay	William A. Perry	James T. Webb
Simon B. Lott	John A. Polin	W. M. Webb
C. R. Luker	Dr. T. J. Poteet	N. B. White
Dr.J.N.M'Cormack	W. A. Price	J. D. Wills
Geo. M. McDowell	J. D. Pumphrey	M. O. Wilson
John McDyer	Richard Radcliffe	Roy S. Wilson
W. T. McNally	Dr. W. R. Ray	
T. T. Mobley	Stanley F. Reed	—79

Mr. Lay moved that the rules be suspended.

Mr. Davis moved to table said motion.

Said motion to table was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 258. An Act repealing Section 4217, Kentucky Statutes, Carroll's Edition, and amending Section 4224, Kentucky Statutes, Carroll's Edition, and providing for the license of certain classes of temporary or transient merchants doing business in any county in this State, defining the same and the manner of issuing license, regulating the advertising and representation of such merchants and providing penalties for the violation thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Transient Merchants to Obtain License—That hereafter it shall be unlawful for any temporary or transient merchant to engage in, do or transact any business as such within any county without first having obtained a license as hereinafter provided.

§ 2. Must File Application With Judge of the County Court—Any temporary or transient merchant desiring to engage in, do or transact business in any county in this State shall file an application for license for that purpose with the judge of the County Court in the county in which he desires to do business, which application shall state his name, his proposed place for business, the kind of business proposed to be conducted, and the length of time for which he desires to conduct such business. Such temporary or transient merchant shall pay a license fee of two hundred and fifty dollars. Such temporary or transient merchant shall thereupon file with the Judge of the County Court of such county, a receipt for such payment, together with bond and appointment of agent upon whom legal process may be served, as hereinafter provided, and the Clerk of the County Court, with the approval of the Judge of the County Court of such county, shall thereupon issue to such temporary or transient merchant a license to do business at the place described in the application, and the kind of business to be conducted shall be described in such license. No license shall be good for more than one person, unless such person shall be a member of a co-partnership, nor for more than one place of business, and shall be good for a period of one year from date of its issuance. The Clerk of the County Court in such county where the license is issued shall keep a record of such licenses in a book which shall at all times be open to public inspection.

§ 3. Bond and Appointment of Agent for Service of

Legal Process—Before a license shall issue as herein provided, the applicant shall execute and deliver to the Clerk of the County Court a good and sufficient bond in the sum of one thousand dollars, with surety or sureties to be approved by the Judge of the County Court. Said bond shall run to the Clerk of the County Court as obligee and shall be for the protection of all persons, firms or corporations who may have claims against the obligor arising out of such business, and any such person, firm or corporation may sue thereon in his or its own name. At the time of delivering such bond to the Clerk of the County Court, the obligor shall also deliver to the said Clerk a duly executed instrument appointing the Clerk of the County Court the agent of the obligor upon whom legal process may be served.

§ 4. Unlawful to Engage in Certain Occupations—It shall be unlawful for any temporary or transient merchant to advertise, represent or hold out any goods, wares, or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale, or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, unless such temporary or transient merchant shall file with the Clerk of the County Court an affidavit showing all the facts relating to the reason for and character of such sale so to be advertised or represented, and showing that the goods, wares and merchandise of such sale are in fact in accordance with such advertisements and representations; such affidavits shall include a statement of the names of the persons from whom the goods, wares and merchandise so to be advertised or represented, were obtained, and the date of the delivery of said goods to the applicant and the place from which said goods, wares and merchandise were last taken, and all details necessary exactly to locate and fully to itemize all goods, wares and merchandise so to be advertised and represented. If such affidavit shall fail to show that such goods, wares and

merchandise of such sale are in accordance with the proposed advertisements or representations or fails to disclose the facts as herein required, or if the Judge of the County Court learns that the said affidavit is untrue in any particular, then such applicant shall be refused a license for such sale. Should a license be issued to such applicant it shall state that such person is authorized and licensed to sell such goods, wares and merchandise and advertise, represent and hold out the same as being sold as such insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale of any such goods, wares or merchandise, or as being damaged by smoke, fire, water or otherwise, or in any similar manner present any other fact, as shown by such affidavit. Such affidavit shall be sworn to by the applicant before a person authorized to administer oaths. If the applicant be a partnership, it shall be sworn to by a member of such partnership, or if the applicant be a corporation it shall be sworn to by one of the officers of such corporation. Every person making a false statement of any fact in such affidavit shall be deemed guilty of perjury and shall be punished for such offense as provided by the laws of Kentucky.

§ 5. Construction of the Words "Temporary or Transient Merchant."—The words "temporary or transient merchant" for the purposes of this act shall include all persons, firms and corporations, both as principal and agent, who engage in, do or transact any temporary or transient business, either in one locality or more or by traveling from one or more places in this State, selling goods, wares or merchandise, and who for the purpose of carrying on such business, hire, lease or occupy a building, structure or car, for the exhibition and sale of such goods, wares and merchandise.

§ 6. Presumed to be Temporary or Transient Merchant—Provided, further, that whenever it appears that any such stock of goods, wares and merchandise has been

brought into any county in this State by a person, firm or corporation who has not previously conducted a merchandise business therein continuously for a period of at least one year, and it is claimed that such stock is to be closed out at reduced prices, such facts shall be prima facie evidence that the person, firm or corporation so offering such goods for sale is a transient merchant as defined in this act.

§ 7. Concerning New Merchant Who Claims to be Permanent.—If complaint be made to the Judge of the County Court that any person, firm or corporation doing business in any county is a transient merchant, and such person, firm or corporation shall claim to be a permanent merchant, the Judge of the County Court shall require of such person, firm or corporation, and he or it shall furnish, a bond in the sum of one thousand dollars, with surety or sureties to be approved by the Judge of the County Court. Such bond shall run to the County Clerk as obligee and it shall secure the payment of the license in the event that such person, firm or corporation does not continue in the business which he or it is conducting in such county for a period of one year from the time when such business was started; said bond shall also be for the protection of all persons, firms or corporations having claim or claims against the obligor arising out of said business as provided in section three hereof. At the time of delivering such bond to the County Clerk the obligor shall also deliver to the County Clerk a duly executed instrument making the County Clerk the agent of the obligor upon whom legal process may be served. Such merchant so complained against shall also furnish to the County Clerk the affidavit required in section four hereof before advertising or holding out any goods, wares or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale or as a sale of any goods, wares or merchandise damaged by smoke, fire or otherwise. But after such merchant has been conducting

the particular business in which he or it is engaged in such county for a period of one year, such merchant shall be held to be a permanent merchant and the provisions of this act shall no longer be applicable to such merchant.

§ 8. Not to Apply to Commercial Travelers, etc.—The provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, or to sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law, nor to any person selling farm and garden products.

§ 9. Cities and Incorporated Towns to Regulate.—Nothing in this act contained shall be construed as prohibiting or in any way limiting or interfering with the right of any city or incorporated town to regulate or license the carrying on within such municipality the business of a transient merchant as in this act defined, in any case where authority has been or shall hereafter be conferred upon it so to do, but the requirements of this act shall be in addition thereto.

§ 10. Money to be Paid into General Revenue Fund of the State.—All license fees collected under this act shall be paid into the treasury of the State of Kentucky.

§ 11. Penalty.—Any person violating the provisions of this act or conducting any business provided against by this act shall be guilty of a misdemeanor, whether he be the owner of the goods, wares and merchandise sold or carried by him, or whether he be an agent, employer or employe, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars for each offense. Each day the one so offending shall carry on such business shall be deemed a separate offense.

§ 12. Who May Proceed.—It shall be the duty of any regular agent of the Auditor of the State of Kentucky in each county where such offense may be committed, or any special agent appointed by the Auditor of the State of Ken-

tucky for the purpose, to procure a warrant for the arrest of any one so offending, which warrant shall be issued by any officer authorized to issue warrants in such county, and the party offending shall be arrested and forthwith brought for trial before a justice of the peace or the County Judge of the county in which such offense is committed, and it shall be the duty of the County Attorney of such county to prosecute the accused. In case of default in the payment of the fine assessed, the party convicted shall be immediately remanded to the county jail until such fine is paid, except in no case shall the party convicted be confined in jail for any one offense for a period of more than fifteen days.

§ 13. Persons Who Shall Not Be Granted License—Penalties.—No person shall be granted a license to do business who has engaged in such business, or has sold any article without license within six months next preceding the time application is made, who will not, in addition to the regular license tax, pay a sum equal to twenty per cent. thereof nor shall license be granted to any person who refuses to answer, under oath, which shall be administered by the County Judge at the time the application is made, whether he or his agent have, within six months next before the time of the applicantion been guilty of engaging in such business, or selling such articles without license therefor, and any person making a false statement on such examination shall be deemed guilty of false swearing.

§ 14. That Section 4217 of the Kentucky Statutes and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 15. This act shall take effect from and after its passage.

The Committee on Commerce and Manufacture offered the following amendments to said bill:

Amend Section 2 thereof by striking therefrom the words, in line 8, reading: "Such temporary or transient

merchant shall pay a license;" and in line 9 the words "fee of two hundred and fifty dollars," and substitute in lieu thereof the following words: "Such temporary or transient merchant shall pay a license fee of two hundred dollars."

Amend Section 3 thereof by striking therefrom, in line 4 thereof, the words "in the sum of one thousand dollars," and substitute in lieu thereof the words: "The sum of five hundred dollars."

Amend Section 7 thereof by striking therefrom, in line 7 thereof, the words "one thousand dollars" and substitute in lieu thereof the words "five hundred dollars."

Said amendments were agreed to.

Mr. Polin offered the following amendment to said bill:

"The provisions of this Act shall only apply to counties having cities of the first and second class."

Said amendment was agreed to.

Mr. Douglas moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Peter Ampler	V. D. Hammond	S. Mazyck O'Brien
Harry Avery	H. H. Harrington	A. J. Oliver
Geo. B. Barrett	J. B. Harvey	A. W. Palmer
J. M. Billeter	H. H. Hays	Lyman J. Parrigin
Henry C. Blades	Dr. S. L. Henry	Lilburn Phelps
Joseph Boitnott	D. H. Hillman	John A. Polin
Elmer L. Brown	R.B.Hutchcraft,Jr.	Dr. T. J. Poteet
A. T. Bryson	T. R. Jones	W. A. Price
C. W. Burton	John A. Judy	J. D. Pumphrey
Glover H. Cary	Griffin Kelly	Richard Radcliffe
Ed. F. Cecil	John H. Klette	S. H. Rogers
Benj. L. Cox	William J. Kuh	W. E. Rogers
Geo. T. Davis	J. C. Lay	A. W. Sharp
John W. Douglas	Simon B. Lott	W. A. Shawler
John C. Duffy	Dr.J.N.M'Cormack	L. M. Smith
William Duffy	Geo. M. McDowell	Adam Spahn
G. P. Durrett	John McDyer	Ed. D. Stone
Thomas J. Evans	W. T. McNally	W. T. Stott
M. J. Farris, Jr.	T. T. Mobley	N. C. Tilford
Vert C. Fraser	J. R. Mount	M. S. Walton, Jr.
Ed. Frost	Harry J. Meyers	James T. Webb
Frank C. Greene	Zach. L. Myers	W. M. Webb
C. M. Gum	John E. Newman	N. B. White
E. V. Hall	C. B. Nichols	Roy S. Wilson

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There voted in the negative—

J. D. Wills —1

Mr. Spahn offered the following amendment to the title of said bill:

Amend by inserting in the title thereof, after the word "statutes," the words "Carroll's Edition," so that the title of said bill shall read as follows: "An Act repealing Section 4217 of Kentucky Statutes, Carroll's Edition, and amending

Section 4224, Kentucky Statutes, Carroll's Edition, and providing."

Said amendment was agreed to.

Resolved, That the title of said bill be as amended.

Mr. W. M. Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Fraser moved that the rules be suspended; that H. B. 14 be taken from the orders of the day and placed upon its passage.

Mr. Davis moved that said motion be tabled.

Said motion to table was disagreed to.

Mr. Klette moved, by way of an amendment to said motion, to suspend the rules; that each member of the House be called in alphabetical order for the purpose of placing before the House one bill each for passage.

By the unanimous consent of the House said motion was withdrawn.

Said motion made by Mr. Fraser to take up H. B. 14 was then agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 14. An Act to regulate the sale, barter or loan

of spirituous, malt, vinous or other alcoholic liquids that produce drunkenness.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, barter or loan directly or indirectly any beverage, liquid mixture or decoction of any kind which produces or causes intoxication in any precinct, county, town or city of this Commonwealth, without a license secured in the manner as now prescribed by law; any person who shall sell, barter or loan directly or indirectly any such beverage, liquid, mixture or decoction in any precinct, county, city or town who shall not have a license shall be guilty of a felony and upon conviction he shall be confined in the penitentiary not less than one or more than three years, each sale of said liquid to constitute an offense, and any sale, barter or loan of any article, with the agreement, expressed or implied, that the right or title to or possession of any such beverage, liquid, mixture or decoction shall also pass, shall be considered a sale, barter or loan within the terms of this act.

§ 2. Nothing in this act shall be so construed as to authorize the granting of license to sell such liquids in territory where same is prohibited by law.

The Committee on Alcoholic Liquor Traffic offered the following amendment to said bill by way of substitute therefor:

Said substitute reads as follows:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell,

barter or loan directly or indirectly any beverage, liquid mixture or decoction of any kind which produces or causes intoxication in any precinct, county, town or city of this Commonwealth, without a license secured in the manner as now prescribed by law; any person who shall sell, barter or loan directly or indirectly any such beverage, liquid, mixture or decoction in any precinct, county, city or town, who shall not have a license, shall be guilty upon the first conviction of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars, or confined in the county jail not more than sixty days, or both so fined and imprisoned at the discretion of the court, and upon the second conviction shall be guilty of a felony and upon conviction shall be confined in the penitentiary not less than one nor more than three (3) years, each sale of said liquid to constitute a separate offense, and any sale, barter or loan of any articles, with the agreement, expressed or implied, that the right or title to or possession of any such beverage, liquid mixture or decoction shall also pass, shall be considered a sale, barter or loan within the terms of this act.

§ 2. Nothing in this act shall be so construed as to authorize the granting of license to sell such liquids in territory where same is prohibited by law.

Said amendment by way of substitute was disagreed to.

Mr. Phelps offered the following amendment to said bill:

Amend H. B. 14 by striking out all after the word "shall," in line 8, to the end of line 9 and insert in lieu thereof the following: "For the first offense be guilty of a misdemeanor and upon conviction shall be fined not less than sixty dollars nor more than one hundred dollars or confined in the county jail not less than ten days nor more than forty days or both so fined and imprisoned, in the discretion of the jury;

and for the second offense shall be fined not less than one hundred and twenty dollars nor more than two hundred dollars or confined in the county jail not less than twenty nor more than eighty days or both so fined and imprisoned; and for any such subsequent offense he shall be deemed guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for a period of not less than one year nor more than three years.''

Said amendment was agreed to.

Mr. Greene moved the previous question:

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Glover H. Cary	G. P. Durrett
Harry Avery	Ed. F. Cecil	Thomas J. Evans
Wallace Bailey	J. G. Coke, Jr.	M. J. Farris, Jr.
Jas. W. Barrall	Benj. L. Cox	W. N. Flippin
Geo. B. Barrett	Geo. T. Davis	Vert C. Fraser
Henry C. Blades	James R. Dorman	Ed. Frost
Joseph Boitnott	John W. Douglas	Frank C. Greene
Elmer L. Brown	H. C. Duffy	C. M. Gum
A. T. Bryson	John C. Duffy	E. V. Hall
C. W. Burton	William Duffy	W. L. Hampton

V. D. Hammond
H. H. Harrington
J. B. Harvey
H. H. Hays
W. E. Henninger
Dr. S. L. Henry
D. H. Hillman
J. J. Huff
R.B.Hutchcraft,Jr.
J. M. Johnson
T. R. Jones
John A. Judy
Griffin Kelly
John H. Klette
J. C. Lay
Simon B. Lott
C. R. Luker
Dr.J.N.M'Cormack
Geo. M. McDowell
John McDyer
T. T. Mobley
J. R. Mount
Harry J. Meyers
Zach. L. Myers
John E. Newman
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
A. W. Palmer
Lyman J. Parrigin
Lilburn Phelps
Dr. T. J. Poteet
W. A. Price
J. D. Pumphrey
Richard Radcliffe
Dr. W. R. Ray
Stanley F. Reed
S. H. Rogers
W. E. Rogers
B. T. Rountree
S. M. Saufley
A. W. Sharp
W. A. Shawler
L. M. Smith
Adam Spahn
Ed. D. Stone
W. T. Stott
Louis Tieman
M. S. Walton, Jr.
James T. Webb
W. M. Webb
N. B. White
J. D. Wills
M. O. Wilson
Roy S. Wilson

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Resolved, That the title thereof be as aforesaid:

Mr. Fraser moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill originating in that body of the following title:

S. B. 360. An Act to establish a restaurant in the State Capitol for the benefit of the General Assembly and the public.

To the Committee on State Capitol.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 473. An Act to amend and re-enact Section 3096 of the Kentucky Statutes relating to the improvement of streets, public ways, grounds and sidewalks in cities of the second class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3096 of the Kentucky Statutes be and the same is hereby amended and re-enacted to read as follows:

3096. The general council may, by ordinance, provide for the improvement of the streets, alleys and other public ways and sidewalks (including curbing and guttering) or parts thereof, in the manner herein set out. The improvement of any public way or sidewalk by original or reconstruction or by resurfacing upon a foundation already in place, shall be deemed an improvement within the provisions of this act; provided, however, that in cities having a general council consisting of two boards, no ordinance for the original improvement of any public street or sidewalk as contemplated in this section shall pass both boards of said general council on the same day, but at least two weeks shall elapse between the passage of any such ordinance from one board to the other. The improvement of public ways and sidewalks (including curbing and guttering) except as hereinafter provided, shall be made at the exclusive cost of the owners of real estate abutting on such improvement, to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet, and a tax shall be levied upon such lots or parcels of real estate for the payment of

the cost assessed thereon, which tax shall be due and payable at the city treasurer's office upon the completion of the work and acceptance thereof by the general council, and no property shall be exempt from such improvement tax. Any such tax which is not paid within thirty days after the same becomes due shall have added thereto a penalty of ten per cent of the amount of the tax. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest at the rate of six per cent per annum from the time of the assessment until paid. And any such tax or assessment which is not paid within thirty days after the same becomes due shall, together with interest and penalties, be placed upon the tax duplicate and tax bills with other taxes of persons liable for such special assessments, and the tax bills for such special assessments may in addition to the remedies given in this act be sold and collection thereof enforced in the manner provided by law for the collection of other municipal taxes. Any assessment for any street improvement as provided in this section which exceeds one-half of the value of the lot or parcel of real estate upon which the assessment is made shall be void as to such excess, but the improvement shall be taken into consideration in fixing the value of such real estate, and the general council, or city commissioners, shall provide for the payment of any such excess out of the general fund. When in any such city, having therein a street railway the railway company is required by law or by its franchise, or by any contract with the city, to pave or improve any part of the streets or alleys of the city, proposed to be improved, the cost of paving such portion of such streets or alleys shall be assessed against such railway company and a tax shall be levied upon all property, assets and franchises of such company in the city for the payment thereof. Such tax shall constitute a first lien upon all the property, assets and franchises of all kinds whatsoever of such company within the corporate limits of the city, and shall

be due and payable at the same time and in the same manner and shall bear like interest as the taxes assessed against the abutting property. Such railway company shall have the right to construct its own part of such proposed improvement, and, if it shall do so, no tax shall be assessed against such company; provided, however, that such company shall, before the letting of the contract for such improvement, elect, by written request presented to the general council, or the city commissioners, to construct its part of such improvement, and shall execute a bond to the city with good and sufficient surety, to be approved by the mayor, conditioned that it will do the work of improving such part of the street with such material and according to such plans and specifications, and within such time, and subject to such provisions, as the ordinance therefor may prescribe. The city shall pay the cost of the improvement of intersections with other public ways, including one-half of the width of the street or alley, being improved, opposite other streets or alleys, which run into, but do not cross the street or alley so being improved, and of that proportion of any street abutting upon property belonging to the city. The city Auditor shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes, as provided in this section, showing the name and portion of the street on which the improvement is made, the character of the improvement, and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same and shall be conclusive evidence and notice to all persons of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. The auditor shall carefully keep a separate account of the fund arising from assessments for each particular improvement and no proceeds arising from

assessment for one improvement shall be diverted to the payment for any other improvement whatever.

The proceeds shall, in each case, constitute a separate special fund for the payment of the improvement warrants issued for the particular work for which the assessment is made, or for the security and payment of the improvement bonds, if any are issued, as provided in Section 3102 for such improvement. The general council or commissioners may provide by ordinance that monthly estimates be made of the amount of the work done on any such improvement, and may issue to the contractor improvement warrants therefor to the extent of 65 per cent of the estimate, bearing not exceeding 6 per cent per annum interest from date of issue. Such warrants shall be issued by the city treasurer, or the commissioner of finance, upon the order of the general council, or city commissioners. They shall be negotiable, and shall constitute a lien on the local taxes levied for such improvement, and shall be payable at the office of the city treasurer without notice to the holder thereof, upon completion and acceptance of the improvement, out of the first collection of such local taxes, or out of the proceeds of the sale of any improvement bonds issued in anticipation thereof. The interest on such improvement warrants shall be estimated and assessed as part of the cost of the improvement for which the same are issued, and where the general council or city commissioners fail to provide by ordinance that monthly estimates be made of the amount of work done on any such improvement, and fail to issue to the contractor improvement warrants thereof to the extent of 65 per cent of the estimate, and in all cases where they do provide by ordinance that monthly estimates be made of the amount of such work done on said improvement to the extent of 65 per cent of the estimate, the general council or city commissioners, after the acceptance of the work of said improvement, and the confirmation of the engineer's final estimate of the cost thereof, shall issue to the contractor improvement

warrants for the full amount of the final estimate or assessment for said improvement, bearing not exceeding 6 per cent per annum from date of issue; such warrants shall be issued by the city treasurer or commissioner of finance upon order of the general council or city commissioners; said warrants shall be negotiable and constitute a lien on the local taxes levied for such improvement, and shall be payable at the office of the city treasurer or commissioner of finance without notice to the holder thereof, out of the collection of such local taxes, and interest upon such improvement warrants shall be estimated and assessed as part of the cost of the improvement for which the same are issued. The general council or commissioners of any city of the second class may provide by general ordinance that such city shall pay part, and if so, what part, of the cost of the improvement of streets, alleys and other public ways (excluding sidewalks of such cities). When such provision is made, it shall be uniform and shall thereafter apply to the improvement of all streets, alleys and public ways in the city (excluding sidewalks), and such general provision shall not thereafter be changed or repealed except at intervals of ten years or more.

§ 2. Whereas, cities of the second class in this Commonwealth are in need of the immediate benefit of this act in order that they may make needed streets and other improvements, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Mr. Walton offered the following amendment to said bill:

Amend by adding at the end of Section 3096: "Any street, alley, or other public way which has been improved or reconstructed with brick, granite, asphalt, concrete or other improved material or paving, since March 1, 1909, or which may be hereafter improved or reconstructed with brick, granite, asphalt, concrete or other improved material or paving, entirely at the expense of the abutting property owner, as

provided herein, shall thereafter be kept in repair, maintained, reconstructed and improved (if and whenever it may be necessary to reconstruct or improve the same) entirely at the expense of the city."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Peter Ampler	Frank C. Greene	C. R. Luker
Harry Avery	C. M. Gum	Dr. J.N.M'Cormack
Jas. W. Barrall	E. V. Hall	Geo. M. McDowell
Geo. B. Barrett	Elwood Hamilton	John McDyer
Henry C. Blades	W. L. Hampton	T. T. Mobley
Joseph Boitnott	V. D. Hammond	J. R. Mount
Glover H. Cary	H. H. Harrington	Harry J. Meyers
Ed. F. Cecil	J. B. Harvey	Zach. L. Myers
J. G. Coke, Jr.	H. H. Hays	John E. Newman
Benj. L. Cox	D. H. Hillman	C. B. Nichols
James R. Dorman	R.B.Hutchcraft, Jr.	S. Mazyck O'Brien
John W. Douglas	J. M. Johnson	A. J. Oliver
H. C. Duffy	T. R. Jones	A. W. Palmer
John C. Duffy	John A. Judy	Lyman J. Parrigin
William Duffy	Griffin Kelly	Lilburn Phelps
G. P. Durrett	John H. Klette	William A. Perry
Thomas J. Evans	William J. Kuh	W. A. Price
W. N. Flippin	J. C. Lay	Richard Radcliffe
Ed. Frost	Simon B. Lott	Dr. W. R. Ray

Stanley F. Reed	Ed. D. Stone	W. M. Webb
W. E. Rogers	W. T. Stott	N. B. White
B. T. Rountree	Louis Tieman	J. D. Wills
S. M. Saufley	N. C. Tilford	M. O. Wilson
W. A. Shawler	M. S. Walton, Jr.	
Adam Spahn	James T. Webb	—73

Resolved, That the title thereof be as aforesaid.

Mr. H. J. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hamilton moved that when this House recessed at 12:30 p. m. it be to reconvene at 2:00 o'clock p. m. and to remain in session until 5:00 o'clock p. m.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. Res. 26. Resolution providing for an assistant to the Superintendent of Public Printing at a salary of seventy-five dollars per month.

H. Res. 37. Resolution requesting that the programme and addresses of Gov. Jas. B. McCreary, Ex-Governor J. C. W. Beckham and Augustus Owsley Stanley at the unveiling of the monument of Gov. William Goebel be spread at large on the House and Senate Journals.

H. B. 63. An Act to establish an insurance annuity fund for public school teachers of cities of the second class.

S. B. 104. An Act to amend Chapter 81, Artcle 1, entitled Liquors—Intoxicating, of Kentucky Statutes, Carroll's Edition 1909, by repealing Sections 2554, 2557 and enacting other provisions in lieu thereof.

Whereupon all other business was suspended, said bills were severely read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

And then the House recessed until 2.00 o'clock p. m.

AFTERNOON SESSION.

At 2:00 o'clock the House reconvened.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Spahn, of the Committee on Commerce and Manufacturing:

S. B. 270. An Act requiring tobacco warehousemen handling loose leaf tobacco to post on their premises the number of pounds and the price thereof of each day's sales and prescribing penalties.

By Mr. Evans, of the Committee on Insurance, Fire and Marine:

S. B. 358. An Act to amend Section 747, Sub-division 8, Chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, deputy and clerks.

By Mr. Tieman, of the Committee on State Capitol:

S. B. 217. An Act authorizing the Commissioners of the Sinking Fund of Kentucky to sell and convey the house and ground known as the Governor's old mansion, and appropriating money to complete and furnish the Governor's new mansion.

By Mr. Hammond, of the Committee on Education No. 1:

S. B. 148. An Act concerning illiteracy in the State of Kentucky and to provide for the creation of a commission to be known as the Kentucky Illiteracy Commission and to provide for the duties and powers thereof.

By Mr. J. T. Webb, of the Committee on Judiciary:

S. B. 29. An Act to conserve, protect and regulate the catching of mussel shells in the Ohio River within the borders of Kentucky.

By Mr. McDyer, of the Committee on Public Roads and Highways:

S. B. 39. An Act defining public roads, providing for their establishment, regulation, use and maintenance, and creating the office of County Road Engineer, and prescribing the duties thereof.

By same:

S. B. 215. An Act to repeal an act entitled "An Act to amend the charter of the Twelve-Mile Turnpike Company," approved January 22, 1867, and is chapter 1069 of the Session Act of 1867, and is Chapter 62 of the Session Act of 1898.

By Mr. J. T. Webb, of the Committee on Judiciary:

An Act to regulate the labor and employment of children and minors and to make the provisions thereof affective.

By Mr. Smith, of the Committee on Kentucky Statutes:

S. B. 130. An Act to amend Section 3 of Chapter 72 of the Acts of 1910.

By Mr. O'Brien, of the Committee on Municipalities:

S. B. 15. An Act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first class.

By same:

An Act regarding the running at large of chickens, ducks or other fowls in the cities of the first class.

By Mr. Ray, of the Committee on State Prisons and House of Reform:

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory and the Kentucky Penitentiary at Eddyville, Kentucky, for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky Penitentiary; and declaring the lands so leased public works of the Commonwealth of Kentucky.

By same:

S. B. 250. An Act to repeal Chapter 118 of the Acts of 1910, and Sub-sections 3, 4 and 5 of Section 20 of Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20 of Chapter 65a of the Kentucky Statutes, 1909 Edition; to provide for the maintenance of the House of Reform for Boys and the House of Reform for Girls and the inmates thereof, and to provide for the payment into the State Treasury of the revenues derived from said Houses of Reform.

By same:

S. B. 94. An Act to further regulate the commission of inmates to the House of Reform.

By same:

S. B. 268. An Act to amend an Act of March 5, 1898, entitled "An Act to create a Board of Penitentiary Commissioners and to regulate the penal institutions of this Commonwealth," as further amended by an Act of March 1, 1912, and to provide for the discontinuance of the contract system of prison labor.

By Mr. J. T. Webb, of the Committee on Judiciary:

S. B. 269. An Act relating to liens of employees and materialmen on property of railroads and other improvement companies.

By Mr. Hammond, of the Committee on Education No. 1:

S. B. 2. An Act to amend Sections 4464, 4464a, 4480, 4482, Article 10, Kentucky Statutes, Carroll's Edition 1909, and repealing Section 4464b thereof, and amending said Article 10, of said statutes, relating to schools, by adding thereto Section 4500b.

By Mr. S. H. Rogers, of the Committee on Mines and Mining:

S. B. 321. An Act to further regulate the operation of coal mines; to provide a more efficient supervision and regulation of such mines; to fix the salaries of the Chief Inspector and the assistant inspectors of mines; and to otherwise provide for greater protection to the lives and health of persons employed in and about the coal mines in this State.

By Mr. Smith, of the Committee on Kentucky Statutes:

H. B. 343. An Act creating a Board of Opticians and regulating the fitting of glasses.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 513. An Act to amend Sec. 577, Kentucky Statutes, relating to Banks and Banking.

H. B. 557. An Act to exempt new lines of railroads from taxes for five years.

S. B. 121. An Act to amend an Act entitled "An Act for the creation and regulation of private corporations," being an Act relating to the subject of insurance and the transaction of the business of life and casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan.

S. B. 258. An Act to create the sixteenth, nineteenth, twenty-eighth and twenty-ninth senatorial districts.

H. B. 634. An Act to provide separate trustees for white and colored schools.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill entitled:

H. H. 354. An Act to regulate the time of holding of the term of the circuit court in the Thirty-fourth Judicial District.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the terms of Circuit

Court in the Thirty-fourth Judicial District shall be as follows:

Whitley County, at Williamsburg: First Monday in September, and continue 24 juridical days; fourth Monday in November, and continue 24 juridical days; first Monday in March, and continue 24 juridical days; third Monday in May, and continue 36 juridical days.

Knox County: Second Monday in October, and continue 24 juridical days; first Monday in January, and continue 24 juridical days; first Monday in April, and continue 24 juridical days.

McCreary County: First Monday in November, and continue 12 juridical days; first Monday in February, and continue 18 juridical days; first Monday in May, and continue 12 juridical days.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force on and after August 1st, 1914.

Mr. Lay offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the time for holding the term of Circuit Court in the Thirty-fourth Juridical District shall be as follows:

McCreary County, at county seat, second Monday in August, and continue 24 juridical days; second Monday in January, and continue 18 juridical days; third Monday in April, and continue 18 juridical days.

Whitley County, at Williamsburg, fourth Monday in September, and continue 36 juridical days; first Monday in February and continue 36 juridical days; second Monday in May, and continue 30 juridical days.

Knox County, at Barboursville; second Monday in No-

vember, and continue 26 juridical days; third Monday in March and continue 30 juridical days; third Monday in June, and continue 24 juridical days.

All acts and parts of acts in conflict herewith are hereby repealed.

This act shall take effect and be in force on and after August 1st, 1914.

Said amendment by way of substitute was agreed to.

Mr. Spahn moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended by way of substitute was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	John W. Douglas	Elwood Hamilton
Harry Avery	John C. Duffy	W. L. Hampton
J. M. Billeter	William Duffy	H. H. Hays
Henry C. Blades	Odie Duncan	W. E. Henninger
Joseph Boitnott	G. P. Durrett	Dr. S. L. Henry
A. T. Bryson	M. J. Farris, Jr.	D. H. Hillman
C. W. Burton	Vert C. Fraser	J. J. Huff
Ed. F. Cecil	John F. Fryer	R.B.Hutchcraft,Jr.
Benj. L. Cox	C. M. Gum	T. R. Jones
James R. Dorman	E. V. Hall	John A. Judy

Griffin Kelly	C. B. Nichols	Adam Spahn
John H. Klette	A. J. Oliver	Ed. D. Stone
J. C. Lay	A. W. Palmer	W. T. Stott
Simon B. Lott	Lyman J. Parrigin	James T. Webb
C. R. Luker	Lilburn Phelps	John F. White
John McDyer	Stanley F. Reed	N. B. White
J. R. Mount	S. H. Rogers	J. D. Wills
Harry J. Meyers	B. T. Rountree	Roy S. Wilson
Zach. L. Myers	S. M. Saufley	
John E. Newman	W. A. Shawler	—58

Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 280. An Act to amend Chapter 60, Session Acts of 1910, entitled "An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky, and to provide greater protection to the live stock industry of the State and to increase the number of members of the Live Stock Sanitary Board and to enlarge the powers of said Board, and to amend Article 2, Chapter 5, of the Kentucky Statutes, relating to diseases of domestic animals."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 60, Session Acts of 1910, entitled, "An Act to prevent the spread of communicable diseases among

domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State," be amended as follows:

§ 1. By striking out Section 8 and inserting in lieu thereof, "Be it further enacted that whenever in the opinion of the State Live Stock Sanitary Board, public safety demands the destruction of any animal or animals, said State Live Stock Sanitary Board shall have power to destroy or have same destroyed, but no animal shall be destroyed by order of this Board unless in the presence of a State or County Live Stock Inspector and in the presence of two freeholders of the county in which the animal is destroyed. Certificates of said destruction shall be made in duplicate, one copy to be filed with the State Live Stock Sanitary Board and one copy with the county judge of the county in which said animal is destroyed. Said certificates shall show the date of such destruction, the name of the owner of such animal, the estimated value of same and the disease or diseases with which the animal was affected."

§ 2. That Section 10 of said Act be stricken out and that there be enacted in lieu thereof the following:

"Be it further enacted that the Governor of this State and the Live Stock Sanitary Board may co-operate with the Government of the United States for carrying out the purposes of this Act, and the said Live Stock Sanitary Board may appoint in writing any inspector or employe of the United States Department of Agriculture or any person or persons, as State inspectors of live stock in enforcing the provisions of this Act, in any county of the State, when in their judgment it may be proper and necessary, who shall have and may exercise the powers of County Live Stock Inspector, and shall be authorized and empowered to enter premises to inspect live stock and to enforce the quarantine of counties, districts, farms and town lots and to control the movement of live stock therefrom; and all such inspectors of live stock and the County Live Stock Inspectors are hereby

authorized and empowered to quarantine and enforce such disinfection of animals and premises as may be deemed necessary. But no inspector or employe of the United States Department of Agriculture shall be paid for their services by the State of Kentucky or any county of this State. And the Governor of this State is hereby authorized to receive and receipt for any moneys receivable by this State under any Act of Congress, which may at any time be in force upon this subject, and to pay the same in the State Treasury, to be used according to an Act of Congress and the provisions of this Act as nearly as possible.

§ 3. That Section 11 of said Act be stricken out and there be enacted in lieu thereof the following:

Be it further enacted that to carry out the provisions of this Act, there is hereby constituted the State Live Stock Sanitary Board, which shall consist of the Commissioner of Agriculture, Labor and Statistics, ex-officio chairman, the Director of the Kentucky Experiment Station, ex-officio vice chairman, the Head of the Division of Animal Husbandry of the Kentucky Experiment Station, ex-officio member, and three members of the State Board of Agriculture to be designated by the State Board of Agriculture, and one member of the State Board of Health to be designated by the State Board of Health. The State Board of Agriculture shall annually designate three members, who shall serve on the State Live Stock Sanitary Board, and the State Board of Health shall annually select one member of said Board, who shall serve on the State Live Stock Sanitary Board. They shall serve without salary, but shall be paid three ($3.00) dollars per day and all necessary expenses when actually engaged in the discharge of their duties. There shall also be a county live stock inspector appointed in each county of the State, said appointment to be made by the county judge of each county in the State, and said inspector shall be paid by the Fiscal Court of the county for which he is appointed. The Fiscal Court of each county is to fix the amount paid to its County

Live Stock Inspector. Said State Live Stock Sanitary Board shall, within thirty days after this act goes into effect, elect a State Veterinarian for a term of four years and until his successor has been elected and qualified, who shall be a graduate of a reputable veterinary college and who shall receive a salary to be fixed by the Board not to exceed the sum of two thousand ($2,000.00) dollars per annum and his necessary traveling and other expenses when engaged in the performance of his duties, to be paid on the order of said Board, and he shall forfeit his office if he accepts any other compensation for his official services, said State Veterinarian to be subject to removal by the Board at any time for cause.

§ 4. Be it further enacted that Section 12 be stricken out and in lieu thereof there be enacted the following:

Be it further enacted that all laws or parts of laws inconsistent with or repugnant to this act in this State are hereby repealed.

5. Be it further enacted that Article 2, Chapter 5, of the Kentucky Statutes, relating to diseases of domestic animals be and the same is hereby amended by striking out all of said article and inserting in lieu thereof such words and provisions that said article when so amended shall read as follows:

That whenever any contagious or infectious disease in live stock shall exist in this State, it shall be the duty of the State Live Stock Sanitary Board promptly to take steps to suppress and prevent the spread of the same; and said Board in its discretion shall have authority to issue its proclamation that such disease exists in any county or counties, and warn all persons to isolate all animals affected by such disease, or which have been exposed thereto, giving instructions as to the precautions to be taken to prevent the spread of such disease; to order any farms, or parts thereof, put in quarantine, at the owner's expense, and prescribe the regulations therefor; to order the destruction or proper disposal of the carcasses of animals dead or incurable from such dis-

ease, and to prescribe regulations for the cleaning and disinfecting of premises, buildings, stockyards, railway stations and other places or objects which may have been exposed to infection. That the Kentucky Experiment Station shall co-operate with the State Live Stock Sanitary Board, and it shall be the duty of the Veterinarian Department of the Kentucky Experiment Station to make bacteriological and pathological examinations of diseased animals, or portions thereof, and all such material which may be forwarded by said Board or its duly authorized agents. The said State Live Stock Sanitary Board shall co-operate with the Kentucky Experiment Station in the distribution of the hog cholera serum made by the said Experiment Station, and in quarantining and controlling the movement of hogs affected by this disease or exposed to same.

§ 6. That all regulations in regard to disease of domestic animals which are communicable to human beings shall be drawn up by joint action of the Live Stock Sanitary Board and the State Board of Health, and shall be enforced by the first named Board and the County Live Stock Inspectors, but upon their failure to perform this duty in any county, such action shall be taken by the State and County Board of health and health officers in enforcing such regulations as may be necessary to protect the public health.

§ 7. The State Live Stock Sanitary Board shall make an annual report to the Governor of its doings and expenditures under this act.

§ 8. That it shall be unlawful for the owners to permit any animal affected with glanders, Texas fever, hog cholera, hydrophobia, pleuro-pneumonia, or any other contagious or infectious disease, to run at large, or to go upon any public road, under penalty of a fine of ten ($10.00) dollars for each animal, and he shall also be liable to civil action for any damages that may occur to other owners of live stock by reason of the spread of disease from such violation of law.

§ 9. It shall be unlawful for any person or persons,

firm or corporation to use any serum, virus or other material containing the germ of any of the diseases named in Section 8, without said serum, virus or other material has been approved by the Live Stock Sanitary Board, and then only when permission has been obtained from the Live Stock Sanitary Board, or from the State Live Stock Inspector, or from the County Live Stock Inspector, in which said serum, virus or other material shall be used. Anyone violating this law shall be fined not less than $10.00 nor more than $50.00 for each offense.

§ 10. That the appropriation provided in Section 59 of said article shall be available for said Board, subject to the same limitations and conditions as imposed in said section upon the State Board of Health.

§ 11. That all acts or parts of acts in conflict with the provisions of this act be and are hereby repealed.

Mr. Nichols offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 60, Session Acts of 1910, entitled, "An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State," be and the same is hereby amended.

Sub-section 1. By striking out Section 8 and inserting in lieu thereof, "Be it further enacted that when in the opinion of the State Live Stock Sanitary Board, upon the report of the State Veterinarian or of a State or County Live Stock Inspector, an animal or animals is or are afflicted with a communicable and incurable disease, it shall be the duty of the said State Live Stock Sanitary Board, or its representative, to destroy said animal or animals, or have same destroyed, but no animal or animals shall be destroyed by order of this

Board, or its representatives, unless in the presence of the State Veterinarian or a State or County Live Stock Inspector and in the presence of two freeholders in the county in which the animal is destroyed. Certificate of such destruction shall be made in duplicate, one copy to be filed with the State Live Stock Sanitary Board, and one copy with the County Judge in the county in which said animal is destroyed. Such certificates shall show date of such destruction, the name of the owner of such animal, the estimated value of same and the disease with which the animal was afflicted together with the names and address of the freeholders in whose presence the animal was destroyed."

Sub-section 2. That Section 10 of said Act be stricken out and that there be enacted in lieu thereof the following: "Be it further enacted that the Governor of this State and the Live Stock Sanitary Board may co-operate with the Government of the United States for carrying out the purposes of this Act, and the said Live Stock Sanitary Board may appoint in writing any inspector or employe of the United States Department of Agriculture or any person or persons, as State Inspectors of live stock in enforcing the provisions of this Act, in any county of the State, when in their judgment it may be proper and necessary, who shall have and may exercise the powers of County Live Stock Inspector, and shall be authorized and empowered to enter premises to inspect live stock and to enforce the quarantine of counties, districts, farms and town lots and to control the movement of live stock therefrom; and all such inspectors of live stock and the County Live Stock Inspectors are hereby authorized and empowered to quarantine and enforce such disinfection of animals and premises as may be deemed necessary, but shall at all times be subject to the orders of the Live Stock Sanitary Board. But no inspector employe of the United States Department of Agriculture shall be paid for their services by the State of Kentucky or any county in the State. And the Governor of this State is hereby authorized to re-

ceive and receipt for any moneys receivable by this State under any act of Congress, which may at any time be in force upon this subject, and to pay same into the State Treasury, to be used according to an Act of Congress and the provisions of this Act as nearly as possible."

Sub-section 3. That Section 11 of said Act be stricken out and that there be enacted in lieu thereof the following: "Be it further enacted that to carry out the provisions of this Act, there is hereby constituted the State Live Stock Sanitary Board, which shall consist of the Commissioner of Agriculture, Labor and Statistics, ex-officio chairman, the Director of the Kentucky Experiment Station, ex-officio vice-chairman, the Head of the Division of Animal Husbandry of the Kentucky Experiment Station, ex-officio member, and four members of the State Board of Agriculture. The State Board of Agriculture shall annually designate three members who shall serve on the State Live Stock Sanitary Board. They shall serve without salary, but shall be paid three ($3.00) dollars per diem, as they are now paid, and all necessary expense when actually engaged in the discharge of their duties. There shall also be a County Live Stock Inspector appointed in each county of the State, said appointment to be made by the Fiscal Court of each county for which he is appointed. The Fiscal Court of each county is to fix the amount paid to the County Live Stock Inspector. The County Live Stock Inspector shall be a citizen of the county and a graduate veterinarian when such is available, otherwise, an experienced live stock man, who is well informed on the ordinary diseases of animals. Said State Live Stock Sanitary Board shall, within thirty days (30) after this Act goes into effect, elect, a State Veterinarian for a term of four (4) years, and until his successor has been elected and qualified, who shall be a graduate of a reputable veterinary college. Said State Veterinarian shall receive a salary to be fixed by the State Live Stock Sanitary Board, which in any event shall not exceed the sum of two thousand ($2.-

000.00) dollars per annum and his necessary traveling and other expenses when engaged in the performance of his duties as State Veterinarian, to be paid on the order of the said Board from the annual funds now appropriated for the use of the Department of Agriculture, the State Board of Agriculture or of the Kentucky Experiment Station, as said Live stock Sanitary Board may deem best. Said State Veterinarian shall be supplied with office room in the office of the Commissioner of Agriculture, Labor and Statistics, in the State Capitol, at Frankfort, Kentucky, or at the Kentucky Experiment Station at Lexington, Kentucky, as said Board may deem best. Said Veterinarian shall forfeit his office if he accepts any compensation for his official services other than the compensation allowed him by the State Live Stock Sanitary Board, and he shall be subject to removal from office by said Board any time for cause. Should assistants be deemed necessary at any time same may be employed to be paid not over five ($5.00) dollars per day and all necessary traveling expenses while in discharge of official State duties, and in no case shall any assistant be employed unless it is impossible for the State Veterinarian to perform such duties.

§ 2. That whenever any contagious or infectious disease in live stock shall exist in the State, it shall be the duty of the State Live Stock Sanitary Board promptly to take steps to suppress and prevent the spread of the same; and said Board, in its discretion, shall have authority to issue its proclamation that such disease exists in any county or counties, and warn all persons to isolate all animals affected by such disease, or which may have been exposed thereto, give instructions as to the precautions to be taken to prevent the spread of such disease; to order any farms or parts thereof put in quarantine at the owner's expense, in the event said owner has not complied with the provisions of this Act, and prescribe the regulations therefor; to order the destruction or proper disposal of the carcasses of animals dead or incurable from such disease, and to prescribe regulations for

the cleaning and disinfecting of premises, buildings, stockyards, railway stations, cars, and other places or objects which may have been exposed to infection. The Kentucky Experiment Station shall co-operate with the State Live Stock Sanitary Board, and the said State Live Stock Sanitary Board shall co-operate with the Kentucky Experiment Station, in quarantining and controlling the movement of hogs affected by this disease or exposed to same.

It shall be the duty of the State Experiment Station, upon the request of the State Live Stock Sanitary Board or the State Veterinarian, to make such bacteriological and pathological examination as may be deemed necessary.

§ 3. The State Live Stock Sanitary Board shall make an annual report to the Governor of its doings and expenditures under this Act.

§ 4. That it shall be unlawful for the owners to permit any animal, or animals, affected with glanders, Texas fever, hog cholera, hydrophobia, contagious pleuro-pneumonia, anthrax, black leg, or any other contagious disease to run at large or to go upon any public road, or in any field adjacent to any public road, or in any field or enclosure through which a running stream flows, under a penalty of a fine of not less than ($10.00) dollars nor more than fifty ($50.00) dollars for each animal.

§ 5. It shall be unlawful for any person, firm or corporation to use any serum, virus or other material containing the germ of any of the diseases named in Section 4, unless said serum, virus or other material, has been approved by the Bureau of Animal Industry of the United States Government, the Kentucky Experiment Station or the State Live Stock Sanitary Board. Any one violating this Section of this Act shall be fined not less than ten ($10.00) dollars, nor more than fifty ($50.00) dollars for each offense.

§ 6. The State Live Stock Sanitary Board shall have power to issue rules and regulations covering the importation of live stock into the State of Kentucky and for moving

from one point in the State to another. Said Board shall also have the power to regulate the use of any serum, virus or other material containing the germ of any of the diseases named in section 4.

§ 7. Any person, firm or corporation violating the rules and regulations issued by the State Live Stock Sanitary Board shall be fined not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars for each offense.

§ 8. That the appropriation provided in Section 59, Article 2, Chapter 5, Kentucky Statutes, shall be available for said Board, subject to the same limitations and conditions as imposed in said section upon the State Board of Health.

§ 9. Be it further enacted that Section 12 of the said Act is hereby stricken out and in lieu thereof be enacted the following: "Be it further enacted that all laws or parts of laws inconsistent with or repugnant to this Act in this State are hereby repealed."

Said amendment by way of substitute was agreed to.

Mr. J. T. Webb moved that said bill 280, substitute and all pending amendments, be tabled.

Said motion was disagreed to.

Mr. Douglas moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended by way of substitute was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Henry C. Blades	C. M. Gum	A. W. Palmer
Joseph Boitnott	Elwood Hamilton	Lyman J. Parrigin
Elmer L. Brown	V. D. Hammond	Lilburn Phelps
A. T. Bryson	Dr. S. L. Henry	Dr. T. J. Poteet
C. W. Burton	R.B.Hutchcraft,Jr.	Richard Radcliffe
Glover H. Cary	T. R. Jones	Dr. W. R. Ray
J. G. Coke, Jr.	John A. Judy	Stanley F. Reed
Benj. L. Cox	John H. Klette	S. H. Rogers
James R. Dorman	William J. Kuh	S. M. Saufley
John W. Douglas	Dr.J.N.M'Cormack	W. A. Shawler
John Drescher	John McDyer	Adam Spahn
John C. Duffy	J. R. Mount	W. T. Stott
William Duffy	Zach. L. Myers	N. C. Tilford
M. J. Farris, Jr.	John E. Newman	M. S. Walton, Jr.
Ed. Frost	C. B. Nichols	John F. White
John F. Fryer	S. Mazyck O'Brien	Roy S. Wilson

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Those voting in the negative were—

Peter Ampler	J. B. Harvey	J. D. Pumphrey
Harry Avery	H. H. Hays	A. W. Sharp
Jas. W. Barrall	D. H. Hillman	Ed. D. Stone
Ed. F. Cecil	J. M. Johnson	James T. Webb
H. C. Duffy	Griffin Kelly	W. M. Webb
G. P. Durrett	Simon B. Lott	N. B. White
Thomas J. Evans	C. R. Luker	J. D. Wills
Vert C. Fraser	Geo. M. McDowell	Douglas G. Wood
Frank C. Greene	W. T. McNally	
W. L. Hampton	T. T. Mobley	

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Resolved, That the title thereof be as aforesaid.

Mr. Saufley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Klette offered the following motion in writing:

"I move that the rules be suspended and that each member be allowed, in alphabetical order, to call from the orders of the day one bill, and that said bill be placed upon its passage, and that the debate upon said bill be limited to five minutes on each side."

Mr. Judy moved that said motion be tabled.

The yeas and nays being required thereon by Messrs. Klette and Drescher were as follows:

Those voting in the affirmative were—

Jas. W. Barrall	V. D. Hammond	John E. Newman
Henry C. Blades	Dr. S. L. Henry	S. Mazyck O'Brien
Joseph Boitnott	J. J. Huff	A. W. Palmer
A. T. Bryson	R.B.Hutchcraft,Jr.	Lilburn Phelps
Glover H. Cary	John A. Judy	Dr. W. R. Ray
J. G. Coke, Jr.	Griffin Kelly	Stanley F. Reed
Benj. L. Cox	J. C. Lay	S. M. Saufley
H. C. Duffy	Simon B. Lott	L. M. Smith
John C. Duffy	Dr.J.N.M'Cormack	W. T. Stott
William Duffy	Geo. M. McDowell	M. S. Walton, Jr.
G. P. Durrett	John McDyer	W. M. Webb
Thomas J. Evans	W. T. McNally	John F. White
Ed. Frost	John G. Miller, Jr.	M. O. Wilson
C. M. Gum	T. T. Mobley	Roy S. Wilson
E. V. Hall	J. R. Mount	
Elwood Hamilton	Zach. L. Myers	—46

Those voting in the negative were—

Peter Ampler	J. B. Harvey	B. T. Rountree
Harry Avery	H. H. Hays	A. W. Sharp
C. W. Burton	W. E. Henninger	W. A. Shawler
Ed. F. Cecil	J. M. Johnson	Adam Spahn
John W. Douglas	T. R. Jones	Ed. D. Stone
John Drescher	John H. Klette	Louis Tieman
M. J. Farris, Jr.	William J. Kuh	N. C. Tilford
Vert C. Fraser	A. J. Oliver	James T. Webb
John F. Fryer	W. A. Price	N. B. White
W. L. Hampton	S. H. Rogers	J. D. Wills

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And so said motion to table was agreed to.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House of the following title:

H. B. 59. An Act to establish a Board of Examiners for Trained Nurses and to regulate the practice of professional trained nursing in the State of Kentucky.

Mr. Oliver moved that the rules be suspended; that the House take up for consideration and place on its passage H. B. 629.

Said motion was disagreed to.

Mr. Hutchcraft moved that the rules be suspended, that he be permitted to introduce a resolution.

Said motion was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 297. An Act to repeal section 2379, of Kentucky Statutes of 1909, relating to the working of prisoners on public works and roads and to substitute therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all of Section 1379 of Kentucky Statutes be stricken out and the following substituted therefor, so that said section as re-enacted shall read:

Section 1379. (1) In all cases in which a Court or Jury shall provide that the defendant shall work at hard labor until his fine and costs or imprisonment or both are satisfied, the defendant shall be placed in the workhouse, if there be one in the county, or at work upon some public work or road of the county or he may be placed upon the public works of any city or town in the county. The place of working such prisoners shall be determined by the County Judge and it shall be his duty to enter an order on the order book of the County Court, specifying the manner in which such prisoner shall be worked and he shall give preference to work on the roads of the county, whenever the weather will permit.

(2) Where prisoners are by order of the County Judge committed to the workhouse, they shall be fed and lodged according to the provisions of Section 4868 of Kentucky Statutes. When prisoners are placed upon the public works of any city or town in the county, said city or town shall provide and pay for the food and and lodging and the cost of guarding such prisoners. When prisoners are placed upon the county roads, or shall do work of any character connected with the building or maintaining of the public roads of the county, the cost of the feeding, lodging and guarding of such prisoners while actually engaged in labor on the public roads shall be paid out of the road funds of the county; while not so engaged, the expense of guarding, lodging and feeding

said prisoners shall be paid out of the county funds usually drawn on for prison purposes.

(3) In order that prisoners may be safely and comfortably kept and housed at night near the places they may be engaged in work, the County Court is authorized to rent suitable buildings or prisoners may be kept in camps, or otherwise.

(4) The County Judge shall have power to appoint a manager for each crew of prisoners, who shall also act as a guard, and the County Judge may also appoint such additional guards as may be necessary, provided that no crew shall consist of less than three prisoners and not more than one man shall be paid to guard and manage less than ten prisoners. The managers and guards appointed under this section shall give bond in a sum to be fixed by the County Judge, for the faithful performance of their duties; they shall take an oath to faithfully perform the duties of manager or guard as the case may be. They shall serve during the pleasure of the County Judge and may be removed for neglect of duty or inefficiency.

They shall be peace officers with power to make arrests. They shall be paid for their services not less than ten cents nor more than twenty-five cents per hour while on duty, the amount to be paid to be fixed in the order of appointment.

The manager of each crew shall see that the prisoners are comfortably fed and lodged, and have proper attention, medical and otherwise when sick, and see that they work and otherwise demean themselves according to prescribed regulations. The manager shall receive and safely keep all prisoners committed to his custody. He shall report to the County Court in regard to such matters as the Court may direct, and he and the guards shall in all respects obey such orders as the Court may make respecting their duties.

(5) The County Court shall have power to prescribe, by an order of record, regulations for the government of prisoners and those in charge of them, and shall prescribe

the number of hours the prisoners shall work, how they shall be secured while at work and at other times.

(6) Any prisoner who shall escape from any manager, guard house, portable cage or camp where a prisoner or prisoners are kept, shall be fined not less than $20.00 nor more than $100.0 or imprisoned not less than ten nor more than fifty days either or both in the discretion of the Court or Jury.

(7) The Jailer shall release from jail and turn over to the manager of a workhouse or work crew any prisoner sentenced to serve a fine and costs or, imprisonment or both at hard labor, upon the order of the County Judge, and such order shall release the Jailer from any further authority or liability as to such prisoners and shall release the Jailer from any and all responsibility regardless of the Court that may have committed the prisoner or prisoners. The workhouse manager or crew manager shall assume responsibility and shall receipt to the Jailer for all prisoners turned over to them. Likewise, upon the order of the County Judge prisoners may be transferred from the custody of a workhouse manager or crew manager to the custody of the Jailer as the occasion may demand.

(8) Any officer arresting any male person upon a capias pro fine or other similar writ, which fine and costs may be worked out at hard labor if same is not satisfied, may deliver his prisoners to a manager of a workhouse or a manager of a work crew and said managers shall receive such prisoners as Jailers are authorized to do. All prisoners placed at hard labor shall be permitted to satisfy their fines and costs at the rate of $1.00 per day. Managers shall be required to keep the time of prisoners and release them when their time shall expire, provided that any prisoner who shall pay the fine and costs not worked out shall be released from custody upon order of the Court committing said prisoners.

(9) All laws or parts of laws in conflict with this Act are hereby repealed.

Mr. Walton moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	V. D. Hammond	Lilburn Phelps
Harry Avery	J. B. Harvey	John A. Polin
Jas. W. Barrall	H. H. Hays	J. D. Pumphrey
J. M. Billeter	W. E. Henninger	Richard Radcliffe
Henry C. Blades	Dr. S. L. Henry	Dr. W. R. Ray
Joseph Boitnott	J. J. Huff	S. H. Rogers
Elmer L. Brown	R.B.Hutchcraft,Jr.	B. T. Rountree
C. W. Burton	J. M. Johnson	S. M. Saufley
Ed. F. Cecil	T. R. Jones	L. M. Smith
J. G. Coke, Jr.	William J. Kuh	Adam Spahn
Benj. L. Cox	J. C. Lay	Ed. D. Stone
James R. Dorman	Simon B. Lott	W. T. Stott
John W. Douglas	Dr.J.N.M'Cormack	Louis Tieman
H. C. Duffy	Geo. M. McDowell	N. C. Tilford
William Duffy	J. R. Mount	M. S. Walton, Jr.
G. P. Durrett	Zach. L. Myers	James T. Webb
M. J. Farris, Jr.	John E. Newman	W. M. Webb
John F. Fryer	S. Mazyck O'Brien	John F. White
Frank C. Greene	A. J. Oliver	N. B. White
Elwood Hamilton	A. W. Palmer	M. O. Wilson
W. L. Hampton	Lyman J. Parrigin	Roy S. Wilson

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Those voting in the negative were—

John C. Duffy	Thomas J. Evans	J. D. Wills	
Odie Duncan	John A. Judy		—5

Resolved, That the title thereof be as aforesaid:

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 271. An Act to amend Section 10 of Article 17 of Chapter 22 of an Act of the General Assembly of Kentucky, approved March 15, 1906, entitled "An Act relating to Revenue and Taxation."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 10, of Article 17, of Chapter 22, of an Act of the General Assembly of Kentucky, approved March 15th, 1906, entitled, "An Act relating to Revenue and Taxation," be amended revised and re-enacted, so as to read as follows:

It shall be the duty of the Revenue Agent, State or county, and he shall have authority when directed by the Auditor, to institute suits, motions or proceedings in the name of the Commonwealth against any delinquent officer or other person to recover any money which may be due the Commonwealth; or license taxes due the Commonwealth; or any inheritance tax due this Commonwealth; or any county school or district school taxes due any county or school district in

this Commonwealth; and in all such suits, motions or proceedings in which a judgment is recovered, the party in default shall, in addition to the amount for which he is liable to the State, county or district, be adjudged to pay a penalty of twenty per centum on the amount due; and the revenue agent who prosecutes such action and recovers the amount due the Commonwealth, county or district, shall be entitled to receive for his services seventy-five per cent of said twenty per centum penalty, and the remaining twenty-five per cent of said twenty per centum penalty shall be paid into the back tax reserve fund. The penalties herein provided for shall not be in addition to the penalties in actions in the name of the Commonwealth prosecuted by the county attorney or other attorneys for the Commonwealth. The money so adjudged due the Commonwealth, and penalties and costs, shall be paid to the State Treasurer, and he shall, within thirty days, pay the seventy-five per centum of said penalty and costs to the officer entitled thereto.

Mr. Walton moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

J. M. Billeter	V. D. Hammond	Lilburn Phelps
Joseph Boitnott	J. B. Harvey	John A. Polin
Elmer L. Brown	H. H. Hays	Dr. T. J. Poteet
A. T. Bryson	Dr. S. L. Henry	W. A. Price
Glover H. Cary	D. H. Hillman	J. D. Pumphrey
Ed. F. Cecil	J. J. Huff	Richard Radcliffe
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Dr. W. R. Ray
Benj. L. Cox	J. M. Johnson	Stanley F. Reed
James R. Dorman	T. R. Jones	S. H. Rogers
John W. Douglas	John A. Judy	S. M. Saufley
John Drescher	Griffin Kelly	L. M. Smith
H. C. Duffy	William J. Kuh	Adam Spahn
John C. Duffy	Dr.J.N.M'Cormack	Ed. D. Stone
William Duffy	Geo. M. McDowell	W. T. Stott
G. P. Durrett	John McDyer	Louis Tieman
Thomas J. Evans	W. T. McNally	N. C. Tilford
M. J. Farris, Jr.	T. T. Mobley	M. S. Walton, Jr.
Vert C. Fraser	J. R. Mount	James T. Webb
Ed. Frost	Zach. L. Myers	W. M. Webb
E. V. Hall	John E. Newman	N. B. White
W. L. Hampton	A. W. Palmer	Roy S. Wilson

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Those voting in the negative were—

C. M. Gum W. E. Henninger —2

Resolved, That the title thereof be as aforesaid.

Mr. Walton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 540. An Act to amend Sections 3 and 5 of an Act

entitled "An Act to provide for the enforced attendance of children in the common schools of this Commonwealth," which became a law March 15, 1912.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3, Chapter 96, of the Acts of the General Assembly of the Commonwealth of Kentucky of 1912 be repealed and there be and there is enacted in lieu thereof the following:

Any parent, guarlian or other person failing to comply with the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be fined in a sum of not less than five nor more than twenty dollars for the first offense, nor less than ten nor more than fifty dollars for every subsequent offense. The sum so collected shall be turned over to the County Board of Education, for the use and benefit of the schools of the county.

§ 2. That Section 5, of Chapter 96, of the Acts of the General Assembly of the Commonwealth of Kentucky of 1912 be repealed and there be enacted in lieu thereof, the following:

The County Courts or any Justice's Court or police Court of the county wherein offenses under this act are committed, shall have jurisdiction of all cases, and any fine or penalty may be collected in the same way that fines and penalties in all other misdemeanors are collected. It shall be the duty of the County Attorney to prosecute any and all violations of this act.

Mr. Hamilton moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	E. V. Hall	S. Mazyck O'Brien
J. M. Billeter	Elwood Hamilton	A. J. Oliver
Henry C. Blades	W. L. Hampton	Lyman J. Parrigin
Joseph Boitnott	V. D. Hammond	Lilburn Phelps
Elmer L. Brown	J. B. Harvey	John A. Polin
A. T. Bryson	H. H. Hays	Dr. T. J. Poteet
C. W. Burton	W. E. Henninger	J. D. Pumphrey
Glover H. Cary	Dr. S. L. Henry	Richard Radcliffe
Ed. F. Cecil	J. J. Huff	Dr. W. R. Ray
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Stanley F. Reed
Benj. L. Cox	J. M. Johnson	S. H. Rogers
Geo. T. Davis	T. R. Jones	S. M. Saufley
James R. Dorman	John A. Judy	L. M. Smith
John W. Douglas	Griffin Kelly	Adam Spahn
John Drescher	John H. Klette	W. T. Stott
H. C. Duffy	William J. Kuh	Louis Tieman
John C. Duffy	Simon B. Lott	N. C. Tilford
William Duffy	C. R. Luker	M. S. Walton, Jr.
Odie Duncan	Geo. M. McDowell	James T. Webb
Thomas J. Evans	John McDyer	W. M. Webb
Vert C. Fraser	W. T. McNally	John F. White
Ed. Frost	John G. Miller, Jr.	N. B. White
John F. Fryer	J. R. Mount	Roy S. Wilson
Frank C. Greene	Zach. L. Myers	
C. M. Gum	John E. Newman	—73

Those voting in the negative were—

D. H. Hillman	J. D. Wills	—2

Resolved, That the title thereof be as aforesaid.

Mr. Walton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 418. An Act to amend Subsections 1, 2, 3 and 16 of Section 1409, Chapter 40, Carroll's Kentucky Statutes, 1909 Edition, and extending said section by adding thereto.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section 1 of section 1409, Carroll's Statutes, 1909 Edition, be amended by adding after the word "another" in the fifth line of said sub-section the following words "whether branded or unbranded," and after the words "adrift in" where same occurs in the fifth line of said sub-section the words "or on or under or lying upon or imbedded in the bank or lands under" and by striking out the word "sixty" in line 28 thereof and inserting in lieu thereof the word "ninety," so that said sub-section when so amended shall read:

1. "Every person who shall take up and secure any boats, fleets of timber, rafts, platforms, sawlogs or other logs or trees prepared for the purpose of sale, or any cross or railroad ties, boards, planks, staves, heading or other timber prepared for market, the property of another, whether branded or unbranded, found adrift in or on or under or lying upon or imbedded in the bank or lands under the waters of this Commonwealth, in which there is no boom or other ar-

rangement provided by the owner for the preservation thereof below the point at which they are so found, whether the same have thereon any brand or not, shall be entitled to receive from the owner thereof a compensation for so much thereof as he shall deliver to such owner as follows: For each freight boat or other heavy boat, one dollar; for each jack boat, skiff or canoe, twenty-five cents for each fleet of timber, ten dollars; for each raft of not less than forty logs, four dollars; for each platform of not less than ten logs, one dollar; for each saw log or other log or tree prepared for sale, twenty-five cents; for each cross or ralroad tie, three cents; for boards or planks caught in rafts or large body, fifty cents per one thousand feet board measure for twenty-thousand feet or less quantity; for over twenty thousand feet, twenty-five cents per one thousand feet board measure; but if the same be not in rafts, but loose and scattered, two dollars and fifty cents per one thousand feet board measure; and for staves and heading, three dollars per one thousand pieces for all that are merchantable, to be paid by the owner thereof, if required, upon the delivery of the same to him. The taker-up shall have a lien upon the property taken up by him for said fees and for his charges as hereinafter provided. If the owner of any such fleet, raft, platform, saw-log or other log or tree prepared for the purpose of sale, or any cross or railroad tie, board, plank, stave, heading or other timber prepared for market, shall fail to pay the sum charged thereon within ninety days from the day they were taken up, they shall be sold at the instance of the person to whom such charges are due by a constable, sheriff or other officer of the county in which said property was taken up, at the courthouse door, at public auction, to the highest bidder, upon thirty days' written or printed notice thereof, giving time and place of sale and a written or printed description of the property and any marks or brands thereon, posted at the front door of the courthouse of the county in which the sale is to be made and at two other public places in the county where the property

is located. It shall be the duty of the constable or other officer making said sale to pay to the taker-up his legal fees and charges, after deducting his own commission, which shall be the same as though he had sold the same property under execution; and if there shall be an excess of sale money over and above said charges and fees, he shall pay said residue to the clerk of the county court of the county in which the sale is made, and take his receipt therefor; and for failure to perform his duties under this Act the constable or other officer shall be liable on his official bond to the party aggrieved. If the owner do, within one year from the date of the sale, appear before the county judge of the county where the money is deposited with the clerk, and establish his right to the satisfaction of the said court to the money, it shall, upon the order of the county judge, be paid over to said owner by the clerk aforesaid; otherwise it shall be paid into the common school fund of this Commonwealth; Provided, Nothing in this Act shall be so construed as to permit the taking up of any fleet of timber, raft or platform, saw log or other log or tree prepared for the purpose of sale, or any cross or railroad tie, board, plank, stave, heading or other timber prepared for market, above any boom or other arrangement made by the owner for the preservation thereof."

That sub-section 2 of said section be amended by adding after the words "twenty-five cents per day" in the last line thereof the words "but the period of time for which compensation shall be charged for under the provision of this sub-section shall in no case exceed one hundred and twenty days," so that said sub-section when amended shall read:

2. "Any person who shall take up any fleet, raft or platform as hereinafter provided for, shall, in addition to the foregoing fees, be entitled to a reasonable compensation for keeping and caring for said property taken up by him, not exceeding the following rates: For each fleet, two dollars per day; for each raft, fifty cents per day; for each platform, twenty-five cents per day, but the period of time for which

compensation shall be charged for under the provision of this sub-section shall in no case exceed one hundred and twenty days."

That sub-section 3 of said section be amended by striking out the word "thirty" in line three thereof and inserting in lieu thereof the word "sixty" and by adding after the words "possession as aforesaid," in the last line thereof the words "but the period of time for which compensation shall be charged under the provision of this subsection shall in no case exceed one thousand and thirty days," so that said sub-section when amended shall read:

3. "If any person who shall take up any saw-log or other log, or tree prepared for sale, as herein provided for, and the same remain in his or their possession over sixty days from the time of taking the same up before the owner thereof offers to pay said charges, he or they shall be entitled to charge, in addition to the fee for taking the same up, twenty-five cents for every saw-log or other log or tree prepared for sale, kept in his or their possession as aforesaid, but the period of time for which compensation shall be charged under the provision of this sub-section shall in no case exceed one hundred and thirty days."

That sub-section 16 of said section be amended by adding thereto the following: "That the sinking or disappearance of any fleets of timber, rafts, platforms, sawlogs or other logs or trees prepared for the purpose of sale, manufacture or market, or any cross ties, boards, planks, staves, heading or other timber prepared for the purpose of sale, manufacture or market, into or under the waters of this Commonwealth, shall not divest the owner thereof of title, interest or claim thereto, except upon the express written authority of such owner, acknowledged or proved for record in the same manner as deeds are acknowledged or proven." So that said sub-section when amended shall read as follows:

16. "When any unbranded saw-logs, trees, cross-ties or other timber prepared for market is taken up on any streams

of this Commonwealth, the same shall be held and disposed of as hereinbefore provided, and the taker-up of such timber shall receive as compensation for his services only the fees provided for in section 1 of this Act; and if any taker-up of unbranded logs or timber as aforesaid shall unlawfully sell, or in any way appropriate to his or their own use, or shall place any brand upon same without first having same sold as aforesaid, he or they shall be deemed guilty of a felony, and, upon conviction thereof, confined in the penitentiary of this State not less than one nor more than three years.

That the sinking or disappearance of any fleets of timber, rafts, platforms, saw-logs or other logs or tree prepared for the purpose of sale, manufacture or market, or any cross or railroad ties, boards, planks, staves, heading or other timber prepared for the purpose of sale, manufacture or market, into or under the waters of this Commonwealth, shall not divest the owner thereof of title, interest or claim thereto, except upon the express written authority of such owner, acknowledged or proved for record in the same manner as deeds are acknowledged or proven."

That said section be amended by adding thereto sub-section 17 as follows:

17. "If any person who shall take up, catch or secure any tree, log or other timber under the provisions of this Act shall fail to advertise same for sale as provided for herein within one hundred days from the time of such taking up, catching or securing same, he shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than one nor more than fifty dollars, for each offense. But, provided that the logs shall not be advertised or sold when the owner of such logs shall have contracted with the owner of the land on which same are lodged, or with another with the consent of such land owner to put such logs into floating water."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	John E. Newman
Harry Avery	W. L. Hampton	S. Mazyck O'Brien
J. M. Billeter	V. D. Hammond	Lyman J. Parrigin
Henry C. Blades	H. H. Hays	Lilburn Phelps
Joseph Boitnott	Dr. S. L. Henry	John A. Polin
A. T. Bryson	D. H. Hillman	Dr. T. J. Poteet
C. W. Burton	J. J. Huff	Richard Radcliffe
Ed. F. Cecil	R.B.Hutchcraft,Jr.	Dr. W. R. Ray
J. G. Coke, Jr.	J. M. Johnson	Stanley F. Reed
Benj. L. Cox	T. R. Jones	S. H. Rogers
Geo. T. Davis	John A. Judy	S. M. Saufley
James R. Dorman	Griffin Kelly	Adam Spahn
John W. Douglas	John H. Klette	Ed. D. Stone
H. C. Duffy	William J. Kuh	W. T. Stott
John C. Duffy	Simon B. Lott	N. C. Tilford
William Duffy	Geo. M. McDowell	M. S. Walton, Jr.
G. P. Durrett	John McDyer	James T. Webb
M. J. Farris, Jr.	W. T. McNally	W. M. Webb
Vert C. Fraser	T. T. Mobley	N. B. White
John F. Fryer	J. R. Mount	J. D. Wills
C. M. Gum	Harry J. Meyers	M. O. Wilson
E. V. Hall	Zach. L. Myers	Roy S. Wilson

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Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 109. An Act to amend an Act, entitled "An Act to establish a State Board of Embalming, defining the duties thereof; to provide for the better protection of life and health, and to prevent the spread of contagious diseases; to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22, 1904.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title of the Act entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," approved March 22, 1904, be amended by inserting and adding the words "and undertaking" immediately following the word "embalming," and said Act be, and the same is, hereby amended, so that said title, as amended and re-enacted, shall read as follows:

"An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming and undertaking in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof."

1. That sub-section 1 of section 4 of said Act, being subsection 1 of sub-section 4 of section 1410, chapter 40a, Ken-

tucky Statutes, be, and the same is, hereby amended by inserting and adding the words "and undertaking" immediately after and following the word "embalming," so that said section and sub-section as amended and re-enacted shall read:

"1. To prescribe a standard of efficiency as to the qualification of those engaged and who may engage in the practice of embalming and undertaking, in connection with the care and disposition of dead human bodies in this State."

"2. That sub-section 2 of section 4 of said Act, being sub-section 2 of sub-section 4 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended by inserting and adding the words "or undertaking," immediately after and following the word "embalmers," so that said section and sub-section as amended and re-enacted shall read:

"2. To meet at least once in each year and oftener as the proper and efficient discharge of its duties may require. The secretary of said Board shall mail notices to all undertakers in this State known to him, at least fifteen days before any embalmers' or undertakers' examination is to be held by said Board, advising them of the time and place where such examination is to be conducted. All notices required to be mailed shall be directed to the last known post office address of the party to whom the notice is sent."

3. That sub-section 5 of section 4 of said Act, being sub-section 5 of sub-section 4 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended by inserting and adding the words "and the practice of undertaking" immediately after and following the word "bodies," so that the said section and sub-section as amended and re-enacted shall read:

"5. To adopt rules, regulations and by-laws from time to time, not inconsistent to the laws of this State, or of the United States, whereby the performance of all the duties of said Board and the practice of enbalming dead human bodies and the practice of undertaking shall be regulated."

4. That section 7 of said Act, being sub-section 7 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by inserting and adding the words "to practice embalming" immediately after and following the word "act," so that said section as amended and re-enacted shall read:

"7. No person shall be granted a license under this Act to practice embalming who has not attained the age of at least 21 years, and who has not practiced embalming dead human bodies for at least 3 years, or shall have at least 3 years' practical instruction in embalming and disinfecting under a licensed embalmer."

5. That section 8 of said Act, being sub-section 8 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by inserting the words "and from and after July 1st, 1914, with license fee of ten dollars" immediately after and following the words "five dollars," and, that said section be further amended and supplemented by adding thereto the following section immediately after and following said section 8, viz.:

"8a. Any person who at the time this Act as now amended, supplemented and re-enacted takes effect, shall be actually engaged in the business or practice of undertaking and who desires to continue in such business or practice shall, on or before July 1, 1914, file with the Board of Embalmers a verified, written application for a license to practice or do business as an undertaker, stating therein the fact of his being actually engaged in such practice or business, accompanying the said application with a license fee of $10.00, and said Board shall thereupon issue to said applicant a license to practice or do business as an undertaker and shall register such applicant as a duly licensed undertaker, without examination, but subject to such rules and regulations as the Board may adopt and prescribe consistent with this Act."

"1. Every person desiring to engage in the practice or business of undertaking shall make written application to the

State Board of Embalming, accompanying the same with a license fee of $10.00, containing the name, age and place of business of the applicant, the length of time and place or places where he has been employed as an assistant to an undertaker, name or names of such undertaker, showing that the applicant shall have served as an assistant to an undertaker, or been engaged in the business of an undertaker, for at least two (2) years in the aggregate, that he is of good moral character, 21 years of age or over, accompanied with proof of such facts, by affidavit or otherwise, as may be required by the Board, and if the Board shall find, upon due examination, that the applicant has a reasonable knowledge of sanitation and disinfection of premises, clothing, bedding and all articles subjected to contagion and infection and a reasonable knowledge of the sanitation and disinfection of bodies of deceased persons where death was caused by an infectious, contagious or communicable disease, and he has all the requirements and qualifications herein stated and has complied with all the rules and regulations of the Board applying to undertakers, the Board shall issue to said applicant a license to practice undertaking and thereupon register such applicant as a duly licensed undertaker. Said license shall be signed by a majority of the Board and attested by its seal. All persons receiving a license under the provisions of this section shall have said license registered in the office of the Board of Health of the city, and where there is no Board of Health, by the clerk of the town or County Court or registrar in the jurisdiction in which it is proposed to carry on the business or practice of undertaking and said license shall be displayed in a conspicuous place in the office of the licensee, but the application and examination herein provided for shall not be required by those actually engaged in the business of undertaking at the time this Act as herein amended becomes effective."

"2. At least one member of every firm and the manager of each place of business conducted by every corporation, that

desires to engage in the business or practice of undertaking, shall be a licensed undertaker, but no assistant, no member of such a firm and no member of such a corporation shall engage in the care, preparation, disposal, burial of dead human bodies and the management of funerals, or shall discharge any of the duties of an undertaker, unless he shall be a duly licensed undertaker in accordance with the provisions of this Act as amended."

"3. That on and after the 1st day of July, 1914, it shall be unlawful for any person not a registered undertaker to engage in the practice or business of an undertaker, unless said person is a registered undertaker within the meaning of this Act as amended," so that said section 8 as amended, supplemented and re-enacted shall read as follows:

"8. From and after the first day of July, 1914, every person at that time engaged, or desiring to engage, in the practice of embalming dead human bodies within the State of Kentucky, shall make a written application to the State Board of Embalming for a license, accompanying the same with the license fee of five dollars, and from and after July 1st, 1914, with a license fee of ten dollars, whereupon the applicant as aforesaid shall present himself or herself before said Board at a time and place to be fixed by said Board, and if the Board shall find, upon due examination, that the applicant is of good moral character, possessed of skill and knowledge of said science of embalming and the care and disposition of the dead, and has a reasonable knowledge of sanitation and the disinfection of bodies of deceased persons and the apartment, clothing and bedding in case of death from infectious or contagious diseases, the Board shall issue to said applicant a license to practice said science of embalming and the care of and the disposition of the dead, and shall register such applicant as a duly licensed embalmer. Such licenses shall be signed by a majority of the Board and attested by its seal. All persons receiving a license under the provisions of this act shall have said license registered in the office of the Board

of Health of the city, and where there is no Board of Health, with the clerk of the town or County Court in the jurisdiction of which it is proposed to carry on said practice, and shall display said license in a conspicuous place in the office or place of business of such licentiate."

"8a. Any person who at the time this Act as now amended, supplemented and re-enacted takes effect, shall be actually engaged in the business or practice of undertaking and who desires to continue in such business or practice shall, on or before July 1, 1914, file with the Board of Embalimng a verified, written application for a license to practice or do business as an undertaker, stating therein the fact of his being actually engaged in such practice or business accompanying the said application with a license fee of $10.00, and said Board shall thereupon issue to said applicant a license to practice or do business as an undertaker and shall register such applicant as a duly licensed undertaker, without examination, but subject to such rules and regulations as the Board may adopt and prescribe consistent with this Act."

"1. Every person desiring to engage in the practice of business of undertaking shall make written application to the State Biard of Embalming, accompanying the same with a license fee of $10.00, containing the name, age and place of business of the applicant, the length of time and place or places where he has been employed as an assistant to an undertaker, name or names of such undertaker, showing that the applicant shall have served as an assistant to an undertaker, or been engaged in the business of an undertaker for at least two (2) years in the aggregate, that he is of good moral character, 21 years of age or over, accompanied with proof of such facts, by affidavit or otherwise, as may be required by the Board, and if the Board shall find, upon due examination, that the applicant has a reasonable knowledge of sanitation and disinfection of premises, clothing, bedding and all articles subjected to contagion and infection and a reasonable knowledge of the sanitation and disinfection of bodies of deceased per-

sons where death was caused by an infectious, contagious or communicable diseases, and he has all the requirements and qualifications herein stated and has complied with all the rules and regulations of the Board applying to undertakers, the Board shall issue to said applicant a license to practice undertaking and thereupon register such applicant as a duly licensed undertaker. Said license shall be signed by a majority of the Board and attested by its seal. All persons receiving a license under the provisions of this section shall have said license registered in the office of the Board of Health of the city, and where there is no Board of Health, by the clerk of the town or County Court or registrar in the jurisdiction in which it is proposed to carry on the business or practice of undertaking and said license shall be displayed in a conspicuous place in the office of the licensee, but the application and examination herein provided for shall not be required by those actually engaged in the business of undertaking at the time this Act as herein amended becomes effective."

"2. At least one member of every firm and the manager of each place of business conducted by every corporation, that desires to engage in the business or practice of undertaking, shall be a licensed undertaker, but no assistant, no member of such a firm and no member of such a corporation shall engage in the care, preparation, disposal, burial of dead human bodies and the management of funerals, or shall discharge any of the duties of an undertaker, unless he shall be a duly licensed undertaker in accordance with the provisions of this Act as amended."

"3. That on and after the 1st day of July, 1914, it shall be unlawful for any person not a registered undertaker to engage in the practice or business of an undertaker, unless said person is a registered undertaker within the meaning of this Act as amended."

6. That section 10 of said Act, being sub-section 10 of section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by inserting and adding the words

"and undertaker" immediately after and following the word "embalmer," so that said section as amended and re-enacted shall read:

10. Every registered embalmer and undertaker who desires to continue the practice of his profession shall annually during the time he shall continue in such practice have such license renewed by making and filing with the secretary of the said Board an application thereof within thirty days preceeding the expiration of his license upon blanks prescribed by the said Board and upon payment of $2.00 renewal fees."

7. That section 11 of said Act, being sub-section 11 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by inserting and adding the words "by an embalmer or undertaker" immediately after and following the words "or of the violation," and by inserting and adding the words "or the management of funerals" immediately after and following the word "body," so that said section as amended and re-enacted shall read:

"11. The State Board of Embalming may, upon sufficient proof of the violation of any of the provisions of this Act, or of the violation by an embalmer or undertaker of any rule or regulation prescribed by the said Board for the preparation, embalming, shipping or burial of any dead human body or the management of funerals, revoke and cancel the license held by any person violating such provision, rule or regulation."

8. That section 14 of said Act, being sub-section 14 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by striking therefrom the words "nor shall this Act apply to any person engaged simply in the furnishing of burial receptacles for the dead," and by inserting and adding the words "or undertaking" immediately after and following the word "embalming," so that said section as amended and re-enacted shall read:

"14. Nothing in this Act shall apply to or in any manner interfere with the duties of any officer of a local or State institution, but shall only apply to such person or persons en-

gaged in the business of embalming or undertaking in connection with the care and disposition of the dead."

9. That section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended and supplemented, by inserting and adding thereto as sub-section 15, the following enactment:

"15. Any person holding a certificate of license to practice embalming or to practice undertaking, in full force and duly issued by some other State or provincial Board of Embalming or Undertaking, or other State or provincial authority, provided by law, desiring to engage in the practice of embalming dead human bodies, or to engage in the practice or business of undertaking, within the State of Kentucky, shall make a written application to the State Board of Embalming for a license to practice embalming or undertaking, accompanying the same with a license fee of $10.00, together with a duly certified certificate from such other State or provincial Board of authority, showing that such applicant is the holder of a duly issued license in full force and effect and that the applicant was duly examined by such State or provincial authority. When such applicant shall have complied with all the rules and regulations of the Board, and with the requirements of the law under which the same are formulated, the Board may, in its discretion, issue to such applicant a license to practice the science of embalming and the care and disposition of the dead, or to engage in the practice or busness of undertaking, provided, however, that the applicant was not a resident of the State of Kentucky at the time he was examined by such State or provincial Board of authority."

10. That section 15 of said Act, being sub-section 15 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by changing the said section from section 15 to section 16 and inserting and adding the words "or shall engage in the practice or business of an undertaker or attempt to practice or engage in the business of undertaking"

immediately after and following the word "dead," so that said section as amended and re-enacted shall read:

"16. Any person who shall embalm or attempt to practice the science of embalming in connection with the care and disposition of the dead or shall engage in the practice or business of an undertaker or attempt to practice or engage in the business of undertaking, without having complied with the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof before any court, shall be sentenced to pay a fine of not less than $100.00 for each and every offense."

11. That section 16 of said Act, being sub-section 16 of section 1410, chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by changing the said section from section 16 of section 17, so that said section as amended and re-enacted shall read:

"17. All fines collected for the violation of any of the provisions of this Act shall be paid into the Public School Fund of this Commonwealth."

§ 2. That this Act as amended, supplemented and re-enacted shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	A. T. Bryson	Benj. L. Cox
Henry C. Blades	C. W. Burton	Geo. T. Davis
Joseph Boitnott	Ed. F. Cecil	James R. Dorman
Elmer L. Brown	J. G. Coke, Jr.	John W. Douglas

John Drescher	Griffin Kelly	John A. Polin
H. C. Duffy	John H. Klette	Dr. T. J. Poteet
John C. Duffy	William J. Kuh	W. A. Price
William Duffy	Simon B. Lott	J. D. Pumphrey
G. P. Durrett	C. R. Luker	Richard Radcliffe
Thomas J. Evans	Geo. M. McDowell	Dr. W. R. Ray
M. J. Farris, Jr.	John McDyer	S. H. Rogers
Vert C. Fraser	W. T. McNally	A. W. Sharp
John F. Fryer	John G. Miller, Jr.	L. M. Smith
Frank C. Greene	T. T. Mobley	Adam Spahn
E. V. Hall	J. R. Mount	Ed. D. Stone
Elwood Hamilton	Harry J. Meyers	W. T. Stott
W. L. Hampton	Zach. L. Myers	N. C. Tilford
V. D. Hammond	John E. Newman	M. S. Walton, Jr.
D. H. Hillman	S. Mazyck O'Brien	James T. Webb
J. J. Huff	A. J. Oliver	John F. White
R.B.Hutchcraft,Jr.	A. W. Palmer	N. B. White
T. R. Jones	Lyman J. Parrigin	Roy S. Wilson
John A. Judy	Lilburn Phelps	Claude B. Terrell

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Those voting in the negative were—

Ed Frost	H. H. Hays	J. D. Wills

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Resolved, That the title thereof be as aforesaid.

Mr. Greene moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky institutions of higher learning by the State Board of Education,

and to provide for the recognition of certificates from other States by reciprocity.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the State Board of Education of Kentucky shall have power to determine the qualifications of and issue certificates to teachers to teach in the public high schools of Kentucky, through the State Board of Examiners, on such examinations as may be held under such rules and regulations as the State Board of Education may prescribe for said State Board of Examiners, and that the State Superintendent of Public Instruction may validate for extension during a term of years the certificate of any person holding such a high school certificate under the following conditions, to-wit:

§ 1. The validation and extension of the said certificate may be made during good behavior of the holder on condition that after proper investigation the State Board of Education may in their judgment find that the holder of said certificate has attended professional schools and improved himself in the arts and methods of teaching to the satisfaction of said State Board. The State Superintendent shall have power to revoke at any time, for cause, any such certificate.

§ 2. The State Board of Education may, on the application of an institution of higher learning, either within or without the State, that is not conducted for private gain, inspect such educational institution, investigate their work, standards and courses of study, and in its own discretion, grant certificates to the students of such institutions, giving them the right to teach in the high schools of Kentucky. Such ecrtificates shall be issued upon evidence furnished by the applicant of the work and attainments accomplished in said institutions by the applicant. No such certificates shall be

given for any work done in such institutions of a lower amount or standard than that required for similar certificates issued by the State Board of Examiners, or granted to the students of the State University of Kentucky and the State Normal Schools of Kentucky.

§ 3. The State Board of Education shall have the power to recognize and validate teachers' certificates of other States which shall not be of a lower standard than the State certificate of Kentucky, and they shall have power to approve or disapprove such certificate of qualification as may be recognized by County Superintendents and County Boards of Education in this State.

§ 4. The State Board of Education shall have power to approve the validation by the County Superintendent and County Board of Education of any county of any certificate issued in any other county of a grade not lower than the first class. Any teacher holding such a certificate in one county of this Commonwealth shall have the right to teach in any other county of the Commonwealth on such certificate when such certificate has been validated in said county by the County Superintendent and County Board of Education, subject to the approval of the State Board of Education.

§ 5. The State Board of Education, in their discretion, shall have power to extend for life teachers' certificates of such teachers who have had as many as twenty years of successful experience teaching in the common schools of this State, provided that no such certificate shall be of a lower class than the first class.

All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Fraser moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	A. J. Oliver
Harry Avery	W. L. Hampton	A. W. Palmer
J. M. Billeter	V. D. Hammond	Lyman J. Parrigin
Henry C. Blades	J. B. Harvey	Lilburn Phelps
Joseph Boitnott	H. H. Hays	John A. Polin
Elmer L. Brown	D. H. Hillman	Dr. T. J. Poteet
A. T. Bryson	J. J. Huff	W. A. Price
C. W. Burton	R.B.Hutchcraft,Jr.	J. D. Pumphrey
J. G. Coke, Jr.	J. M. Johnson	Richard Radcliffe
Benj. L. Cox	T. R. Jones	Dr. W. R. Ray
Geo. T. Davis	John A. Judy	Stanley F. Reed
John W. Douglas	Griffin Kelly	S. H. Rogers
John Drescher	John H. Klette	B. T. Rountree
H. C. Duffy	William J. Kuh	S. M. Saufley
John C. Duffy	Simon B. Lott	A. W. Sharp
William Duffy	C. R. Luker	W. A. Shawler
G. P. Durrett	Dr.J.N.M'Cormack	L. M. Smith
Thomas J. Evans	Geo. M. McDowell	Adam Spahn
M. J. Farris, Jr.	John McDyer	Ed. D. Stone
Vert C. Fraser	W. T. McNally	W. T. Stott
Ed. Frost	T. T. Mobley	N. C. Tilford
John F. Fryer	J. R. Mount	M. S. Walton, Jr.
Frank C. Greene	Zach. L. Myers	James T. Webb
C. M. Gum	John E. Newman	N. B. White
E. V. Hall	S. Mazyck O'Brien	J. D. Wills

—75

There voted in the negative—

Dr. S. L. Henry —1

Resolved, That the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hamilton moved that the session be extended indefinitely.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in that body of the following titles:

S. B. 267. An Act to amend Section one of Act entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class;' approved July 1, 1893, approved March 21, 1906, and being Section 2833, Kentucky Statutes, Carroll's Edition of 1909."

To Committee on Rules.

S. B. 336. An Act to repeal and re-enact Section 3076 of the Kentucky Statutes, relating to the power to grant licenses and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

To Committee on Rules.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 444. An Act to amend Sec. 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 699 of Chapter 32 of the Kentucky Statutes be and the same hereby is amended, by adding at the close thereof the following words: "Insurance Companies, however, duly incorporated under the laws of this State upon their filing a schedule of their re-insurance with companies not authorized to do business in this State shall be entitled to proper credit and given proper reduction on their liabilities. Provided, however, that the company so re-insuring shall pay into the State Treasury the 2 per cent tax on premiums as provided by law in the case of foreign companies authorized to do business in this State."

§ 2. This act shall take effect from and after its passage and approval by the Governor.

Mr. Greene offered the following amendment to said bill by way of substitute therefor:

Substitute for H. B. 444 and amendments.

An Act to amend Section 699, Kentucky Statutes, relating to reinsurance in unauthorized companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 699, of Chapter 32, Kentucky

Statute be, and the same is hereby amended so that when amended the same will read as follows:

"No credit of any kind shall be allowed or given as a reduction of liabilities to any company transacting business in this State for reinsurance made in companies not authorized to issue policies herein; and it shall be the duty of the Insurance Commissioner to require schedules of re-insurance to be filed by each company with its annual statement made to his department: Provided, That insurance companies duly authorized under the laws of this State upon filing a schedule of their reinsurance with companies not authorized to do business in this State, shall be entitled to proper credit and given proper reduction on their liabilities: Provided further, That the company so reinsuring shall be first authorized to so reinsurance by the Insurance Commissioner of this State: Provided further, That the companies reinsuring shall pay into the State Treasury the two per cent tax on premium as provided by law in the case of foreign companies authorized to do business in this State."

Section 2. This act shall take effect from and after its passage.

Said amendment by way of substitute was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended by way of substitute was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Peter Ampler	Frank C. Greene	A. W. Palmer
Harry Avery	E. V. Hall	John A. Polin
Henry C. Blades	Elwood Hamilton	Dr. T. J. Poteet
Joseph Boitnott	W. L. Hampton	J. D. Pumphrey
Elmer L. Brown	V. D. Hammond	Richard Radcliffe
A. T. Bryson	J. B. Harvey	Dr. W. R. Ray
C. W. Burton	H. H. Hays	Stanley F. Reed
Glover H. Cary	Dr. S. L. Henry	S. H. Rogers
Ed. F. Cecil	D. H. Hillman	S. M. Saufley
J. G. Coke, Jr.	J. J. Huff	W. A. Shawler
James R. Dorman	R.B.Hutchcraft,Jr.	L. M. Smith
John W. Douglas	T. R. Jones	Ed. D. Stone
John Drescher	Griffin Kelly	W. T. Stott
H. C. Duffy	John H. Klette	James T. Webb
John C. Duffy	Simon B. Lott	W. M. Webb
Odie Duncan	C. R. Luker	N. B. White
G. P. Durrett	Dr.J.N.M'Cormack	J. D. Wills
Thomas J. Evans	Geo. M. McDowell	Roy S. Wilson
M. J. Farris, Jr.	J. R. Mount	Claude B. Terrell
Ed. Frost	Zach. L. Myers	—59

Those who voted in the negative were—

William Duffy	S. Mazyck O'Brien	W. A. Price

—3

Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 577. An Act to amend the charter of municipal corporations of the fourth class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3501 of the Kentucky Statutes being a part of the charter of cities of the fourth class, be and the same is hereby amended by adding thereto the words: "The Mayor or chief executive may, at any time, discharge any policeman of the city for any neglect of duty, drunkenness, violation of the law or rules and regulations governing policemen, or for any physical incapacity, and the compensation of such policeman shall cease from and after such discharge by the Mayor, and any policeman so discharged shall be ineligible for the office of policeman for a period of one year after such discharge by the Mayor," so that section, when amended, shall read as follows:

"Section 3501. The Mayor or chief executive shall be the head of the police of the city, and may command them in the performance of their duties. He shall be a conservator of the public peace and, when deemed necessary by him to enforce the laws of the city, to save life or property, or to quell riots or mobs, he may summon into service any of the citizens, either civil or military, and, in such cases, he must be present and command in person. The Board of Council shall, by ordinance, prescribe suitable fines and penalties, for disobedience of the Mayor's orders and summons. The Mayor or chief executive may, at any time, discharge any policeman of the city for any neglect of duty, drunkenness, violation of the law, or rules and regulations governing policemen, or for any physical incapacity, and the compensation of such policeman shall cease from and after such discharge by the Mayor, and any policeman, so discharged, shall be ineligible

for the office of policeman for a period of one year after such discharge by the Mayor."

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Pumphrey moved that the said bill be tabled.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 393. An Act to provide for a biennial census of school children and fixing the ages of school children in the common schools of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the common school census of all children entitled to be enrolled therein, outside the cities of the first and second class, shall be taken biennially instead of annually, as provided for in Kentucky Statutes (Carroll's) 1909. That the census for 1914 shall be taken as is provided for in said Statutes except that no children shall be enrolled in this census except those between the ages of six and eighteen years; that the said census shall not be taken thereafter again until 1916, according to the said provisions of the Kentucky Statutes (Carroll) 1909, and that the common school census of this State shall be taken continually every second year thereafter. Beginning with this present year, 1914, the common school census shall be taken every two years and shall include only those children that are between the ages of six and eighteen.

This act shall not conflict with laws governing the tak-

ing of the census of cities of the first and second class, nor to conflict with the general plan of taking the census, except as is herein provided for, that is set forth in the Kentucky Statutes (Carroll) 1909. However, such laws and parts of laws as are in conflict with the provisions of this act are hereby repealed.

In view of the fact that the census of 1914 is to be taken during the month of April, an emergency is hereby declared and this act shall take effect from and after its passage and approval by the Governor.

Mr. Frazer moved that said bill be tabled.

Said motion was agreed to.

A message was received from the Governor, in writing, as follows:

COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT.
Frankfort, Kentucky, March 13, 1914.

Gentlemen of the Senate and House of Representatives:

There is no legislation more important at the present time than legislation in regard to revenue and taxation.

A commission was appointed nearly two years ago under a resolution of the General Assembly, and that Commission, after being aided by an expert and after much study and consideration, presented a lengthy report and an important bill.

The members of the House of Representatvies were not satisfied with that bill, and amendments were offered and adopted, and the bill and amendments were recommitted to the committee which had reported the bill. Afterwards a new bill was reported to the House of Representatives, when there was much discussion and several amendments were agreed to, and the revenue and taxation bill was passed by the House of Representatives and sent to the Senate.

I cannot speak too strongly in favor of the passage of a revenue and taxation bill. The people of Kentucky are expecting a bill to be passed to help raise sufficient revenue to pay the debt of the State of Kentucky. On the last day of February, 1914, the outstanding warrants of the State amounted to $2,039,222.03. There was at that time in the Treasury the sum of $920,775.29.

It is no excuse that one of the cities in Kentucky has an indebtedness of $11,000,000.00, that each of the States south of Kentucky are in debt from $4,000,000.00 to $20,000,000.00 and that a majority of the Northern and Western States owe from $5,000,000.00 to $72,000,000.00; with proper legislation, our debt can soon be extinguished.

I am in favor of a revenue and taxation bill that will be fair and just to the people of Kentucky, and equal and uniform on property.

Most of the States in the Union have enacted new revenue and taxation laws—notably the States of Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota, Alabama, Arkansas and Texas. Thirty-one States in all have revised their tax system and provided for tax commissions.

The most important defects of the tax system in Kentucky at present are:

Our present system does not furnish sufficient revenue to pay the expenses of the State.

Taxation is not equal and uniform.

Much property escapes taxation.

The assessors generally permit persons to fix the valuation of their own property.

Important laws are rarely perfect when first enacted; any bill that is passed by both houses will have to be a compromise bill, and the best that can be framed under existing circumstances.

I shall not attempt to suggest all the provisions of a revenue bill.

There should be a tax commission, to consist of not less than three men well-informed on revenue and taxation, which commission shall have general supervision of the entire system of taxation, both State and local, including license taxes and inheritance taxes.

The members of this commission should be required to reside at Frankfort.

Among the important duties they should perform are:

Co-operate with the assessors or county tax commissioners and direct the re-assessment of property in any taxing district where it appears, after an investigation, that the original assessment was not substantially just and equitable.

Supervise all the local assessors or tax commissioners; confer, instruct and advise with them as to their duties, and visit each county as aften as necessary and practicable.

Require individuals and corporations to furnish information as to their capital stock, assets and liabilities.

Value and assess the capital stock of corporations organized under the laws of Kentucky or doing business in this State.

Require the actual consideration to be expressed in all deeds and all notes or obligations for money to be listed.

I believe it is so important for the revenue and taxation bill to be passed at the present session of the Legislature that I very sincerely recommend that such minor provisions, as can not be agreed to, be left out and a bill passed which, in the future, may be amended if necessary.

Although only a few days remain of the present session of the Legislature, the taxation question has been so thoroughly discussed and is so well understood that I believe a bill can be passed which will satisfy the present demands of the people; but, if the Legislature adjourns without having enacted a law on the subject of revenue and taxation, there will be great disappointment among the people.

I recommend, therefore, that the most earnest efforts be made to enact a revenue and taxation law, and I believe your efforts will be crowned with success.

JAMES B. MCCREARY,
Governor.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 87. An Act relating to the equipment and regulation of hotels and restaurants, defining the same, and relating to the inspection thereof, providing for penalties for violations of the provisions of this Act.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every building or structure, kept, used as, maintained as, or advertised as, or held out to the public, to be a place where sleeping accommodations are furnished to the public whether with or without meals shall for the purpose of this act be deemed a hotel.

Every building or structure, and all buildings in connection, kept, used, or maintained as, or advertised as, or held out to the public to be a place where meals and lunches are served without sleeping accommodations, shall for the purpose of this act be deemed a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager, or agent, for the purpose of this act, shall be deemed proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, it shall be construed to mean such structure as described in this section.

§ 2. For the purpose of carrying into effect the provisions of this act, the Governor shall appoint a Commercial Traveler having had not less than six years' practical road

experience immediately preceding his appointment as hotel inspector at a salary of twenty-four hundred ($2,400.00) dollars per year, payable monthly, who shall hold office for two years, and who shall furnish a bond in the sum of six thousand ($6,000.00) dollars to be approved by the Attorney General. He shall keep such records as are necessary for public use and inspection, showing the conditions of all hotels and restaurants, together with the name or names of owner, proprietor, or manager thereof, and showing their sanitary conditions, the number and condition of fire escapes, and any other information that may be for the betterment of the public service, and likewise shall assist in the enforcement of any orders promulgated by the State Board of Health and Pure Food Department of the State, relating to hotels and restaurants.

§ 3. Within sixty days after the passage of this act and each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel or restaurant, and every person, firm or corporation who shall hereafter engage in conducting such business must procure an inspector's certificate for each hotel or restaurant so conducted, or proposed to be conducted, provided that one certificate shall be sufficient for each combined hotel and restaurant where each are conducted in the same building and under the same management. Each certificate shall expire on the 31st day of December next following its issuance. The hotel inspector shall furnish to any person, firm or corporation desiring to conduct a hotel or restaurant an application blank to be filled out by such person, firm or corporation for a certificate thereof, and which shall require such applicant to state the full name and address of the owner of the building, the lessee and manager of such hotel or restaurant, together with the full description of the building and property to be used or proposed to be used for such business, the location of the same, the name under which such business is to be conducted and such other information as may be required therein by the

hotel inspector, and such application shall be accompanied by inspection fee for Hotels of three ($3.000) Dollars, and an additional charge of twenty-five (25) cents each for each additional bed-room in excess of ten and for restaurants three ($3,000) dollars and an additional charge of twenty-five (25) cents for each five chairs or stools, or spaces where persons are fed in excess of ten, but no fee to exceed ten ($10.00) dollars, and all such fees shall be turned in to the State Treasury on the first day of January, April, July and October of each year.

Upon the approval of such application by such hotel inspector, a certificate to conduct such business as such application is made for, shall be issued by such hotel inspector. No hotel or restaurant shall be maintained and conducted in this State after the taking effect of this act, without having secured a certificate therefor as herein provided, and no certificate shall be transferable. Provided, however, that after the making of applications for a certificate herein provided for and pending the issuance of such certificate, such hotel and restaurant shall be permitted to operate as such until the final refusal of such application by the inspector.

Provided, also that no hotel or restaurant shall be denied relief in the courts in action instituted by such hotel or restaurant by reason of the fact that a certificate has not been issued to such hotel or restaurant.

§ 4. It shall be the duty of such hotel inspector to inspect or cause to be inspected at least once annually every hotel and restaurant in this State, and for such purpose he shall have the right to enter and have access thereto at any reasonable time, and whenever, upon such inspection it shall be found that such business and property so inspected is not being conducted or is not equipped in the manner required by the provisions of this act, or is being conducted in such manner as to violate any of the laws of this State, it shall thereupon be the duty of the hotel inspector to notify the owner, proprietor or agent in charge of such business, or the

owner or agent of the building so occupied, of such condition so found and such owner, proprietor or agent shall forthwith comply with the provisions of this act unless otherwise herein provided. A reasonable time may be granted by the hotel inspector for compliance with the provisions of this act.

§ 5. Every hotel and restaurant in this State shall be properly plumbed, lighted and ventilated, and shall be conducted in every department with strict regard to health, comfort and safety of the guest. Provided, that such proper lighting shall be construed to apply to both day light and illumination, and that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to approved sanitary principles and that such proper ventilation shall be construed to mean at least one door and one window in each sleeping room.

No room shall be used for a sleeping room which does not open to the outside of the building or light wells, air shafts or courts, and all sleeping rooms shall have at least one window to the outside of the building or light wells, air shafts or courts, and shall have one door opening on a hall-water works, every hotelway.

In each sleeping room there must be at least one window with openings so arranged as to provide easy access to the outside of the building, light wells, air shafts or courts.

Provided, that the provisions of paragraphs 1, 2 and 3 of this section shall not apply to any hotel in which the compartments are arranged on the cubical plan, or the dormitory plan, in conformity with the provisions of local ordinances and regulations.

In all cities, towns and villages where a system of water works and sewerage is maintained for public use, every hotel and rooming house shall, within six months after the passage of this act be equipped with suitable water closets for the accommodation of its guests, which water closet or closets shall be connected by proper plumbing with such sewerage system, and the means of flushing such water closets with the

water of said system, in such manner as to prevent sewer gas or effluvia from arising therefrom. All lavatories, bath tubs, sinks, drains, closets and urinals in such hotels must be connected and equipped in a similar manner both as to method and time.

In all cities, towns and villages not having a system of water works, every hotel shall have properly constructed privies or vaults, which shall be heated during the days of the winter months between the hours of 6 a. m. and 10 p. m. to receive the night soil, the same to be kept clean and well screened at all times, and free from filth of every kind, furnishing separate apartments for sexes, each being properly designated.

Each hotel in this State shall be provided with a main public wash room convenient and of easy access to guests.

§ 6. In all hotels and restaurants two stories high, with ten or more sleeping rooms, where sleeping accommodations are furnished to the public, there shall be provided for each twenty-five hundred feet of area or fractional part thereof an efficient chemical fire extinguisher, conveniently located in a public hallway outside of the sleeping rooms and always in condition for use, or a one and one-fourth inch inside stand pipe with hose connection and a hose of sufficient length always attached in such hallway, which stand pipe shall be supplied by a sufficient pressure of water.

§ 7. In all hotels and restaurants more than two stories high, with ten or more sleeping rooms, where sleeping accommodations are furnished to the public, each six thousand feet of area or fractional part thereof shall be provided with a one and three-fourths inch stand pipe, and sufficient one and one-fourth inch hose connected therewith on each floor and constantly furnished with sufficient water pressure from water works or pumps which can be put into instant action, or for each such area there shall be a two-and-one-half inch metallic stand pipe with metallic ladder attached above the first story, located upon the outside of the wall extending

above the roof, and so situated as to be accessible from the roof and each story above the first, with valves and male hose connections at every story and on the roof, and female hose connections at base of the pipe of such size and pattern as to allow connection with the equipment of the local fire department. There shall also be provided for each eighty-five hundred feet of such area or fractional part thereof at least one efficient chemical fire extinguisher on each floor containing sleeping apartments. If, for lack of water works or steam to operate pumps, the outside stand pipe is impracticable, then, in addition to the fire extinguisher, there shall be placed in the hallway of each floor containing sleeping apartments one barrel of water and two pails labeled "For Fire Purposes Only." For each twenty-five hundred feet of area or fraction thereof on such floor, a red light shall be kept burning all night at the head of each stairway above the first floor, and that near each approach to a stationary fire escape in each sleeping room above the first floor, the following printed notice shall be conspicuously posted. "Exit in case of fire. Upon leaving this room, turn to the (here insert right or left) and by passing (here insert distance in feet) you will reach a red light, which indicates (here insert fire escapes or stairway)."

§ 8. That within six months after the passage of this act every hotel and restaurant in this State, occupied and used as such, and which is more than three stories high, shall be equipped with an iron stairway on the outside of the building extending from said cornice of said building to within twelve feet of the ground, and connecting on each floor above the ground with an opening from said floor, which stairway shall have platform landing at each floor not less than 6 feet in length and three feet in width, and which stairway and landing shall be guarded by an iron railing not less than thirty inches in height and shall be safely fastened and secured. Said stairway shall not be less than two feet wide, with steps not less than six inch tread, and shall be placed

at an angle of not more than forty-five degrees. The way of egress to such fire escapes shall at all times be kept free and clear of any and all obstructions of any and every nature. Fire escapes shall be placed where the hotel inspector may direct. And if there are more than fifteen sleeping rooms on each floor, above the third floor there shall be provided one such described fire escape for fifteen sleeping rooms on each floor. Every hotel less than four stories high shall have hallways placarded to indicate all stairways and exits, and shall keep a five-eighths inch Manilla rope of sufficient length to reach the ground, having knots at least every fifteen inches apart, in each bedroom, such rope to be fastened six feet above the floor, near the window, in a substantial manner and capable of sustaining at least five hundred pounds in weight.

Provided, however, that nothing in this section shall be construed to prevent the use of any recognized automatic fire escapes, in lieu of knotted rope.

Whenever it shall be proposed to erect a building three stories or more in height, intended for use as hotel in this State, it shall be the duty of the owner, contractor or builder of such hotel to construct same so that one main hall on each floor above the ground shall run through to the outside wall of said building, and every building converted into a hotel after the passage of this act must comply with the provisions thereof.

Provided, however, that the provisions of this act relating to outside fire escapes and ropes of automatic appliances shall not apply to hotels having or making provisions for interior fire proof stairways approved as such by the hotel inspector.

All hotels in this State shall hereafter provide each bedroom with at least two clean towels daily for each guest, and shall also provide the main public wash room with clean individual towels, maintaining same in view and reach and for the use of guests during the regular meal hours and where no regular meal hours are maintained, then between the hours

of 6:30 a. m. and 9:00 a. m., and 11:30 a. m., and 2.30 p. m., and 6:00 p. m., and 8:00 p. m., so that no two or more guests will be required to use the same towel unless it has first been washed. Such individual towels shall not be less than ten inches wide and fifteen inches long after being washed. Provided that this shall not prohibit the use of individual paper towels in such wash rooms.

All hotels hereafter shall provide each bed, bunk, cot or sleeping place for the use of guests, with pillow slips and under and top sheets; each sheet, on and after the first of January, 1914, shall be made 99 inches long and of sufficient width to completely cover the mattress and springs; provided that a sheet shall not be used which measures less than 90 inches after it has been laundered. Said sheets and pillows slips to be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, must be washed and ironed before they are used by another guest, a clean set being furnished each succeeding guest.

All bedding, including mattresses, quilts, blankets, pillows, sheets and comforts, used in any hotel in this State must be thoroughly aired, disinfected and kept clean. Provided that no bedding, including mattresses, quilts, blankets, pillows, sheets or comforts, shall be used which are worn out or unfit for further use.

Any room in any hotel or restaurant, infected with vermin or bed bugs, shall be fumigated, disinfected and renovated at the expense of the proprietor of the said hotel until said vermin or bed bugs are exterminated.

All notices to be served by the hotel inspector provided for in this act shall be in writing, and shall be either delivered personally, or by registered letter, to the owner, agent, lessse or manager of such hotel or restaurant.

Any person, firm or corporation who shall operate a hotel or restaurant in this State, or who shall let a building used for such business without having first complied with the provisions of this act, shall be guilty of a misdemeanor, and

upon conviction thereof shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or imprisonment in the county jail for not more than ninety days.

The county attorney of each county in this State is hereby authorized and required upon complaint, on oath of the hotel inspector or other persons, to prosecute to termination before any court of competent jurisdiction, in the name of the State of Kentucky, a proper action proceeding against any person or persons violating the provisions of this act.

§ 9. Whenever the owner, manager or person in charge of any hotel or restaurant shall have been convicted as provided in the preceding section, and shall for a period of sixty days after such conviction fail to comply with any provisions of this act, the certificate granted to such person to conduct business may be cancelled by the hotel inspector.

§ 10. The hotel inspector shall appoint one deputy inspector at a salary of two thousand (2,000.00) dollars per year, whose term of office shall be of the same duration as that of the hotel inspector, and also one stenographer at a salary not to exceed eight hundred ($800.00) dollars per annum, who shall assist under his direction in performing the duties imposed by this act.

§ 11. On or before the 15th day of each month, the hotel inspector shall certify to the State Auditor the amount due him and his deputies as compensation and necessary expenses for the preceding month; also the items and amounts of all expenses necessarily incurred by him in his duties, including the cost of blanks, stationery, postage and travel and also the amount due the stenographer as compensation for the preceding month and such salaries, mileage and expenses being duly audited, shall be paid by the State.

The sum of five thousand ($5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of the funds in the hands of the State Treasurer not otherwise appropriated, to be used to pay the expenses incident to this

act, until a sufficient amount of inspection fees provided for in this act, can be collected to pay the necessary expenses under this act. The surplus accruing from such inspection fees to be used first, to pay back the said five thousand ($5,000.00) dollars, herein appropriated, after which all surplus of such inspection fees shall be covered into the State Treasury; in no event shall the entire expense under this act exceed ten thousand ($10.000.00) dollars, per annum.

The office of the hotel inspector shall be in the State Capitol.

§ 12. Every hotel or restaurant securing a certificate under the provisions of this act shall keep the same posted in a conspicuous place in the office of such hotel or restaurant.

All prosecutions under this act shall be conducted by the county attorney of the county in which the offense was committed.

§ 13. All acts or parts of acts conflicting with any of the preceding sections of this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Mr. Price offered the following amendment to said bill:

Amend by striking out all of section 11 and in lieu thereof insert the following: "On or before the 15th day of each month, the hotel inspector shall certify to the State Auditor the amount due him and his deputies as compensation and necessary expenses for the preceding month, also the items and amount of all expenses necessarily incurred by him in his duties, including the cost of blanks, stationery, postage and travel, and also the amount due the stenographer as compensation for the preceding month, and such salaries mileage and expenses being duly audited shall be paid by the State out of the funds accruing from the inspection fees provided for in this act. In no event shall the entire expense exceed ten thousand dollars per annum."

The office of the Hotel Inspector shall be in the State Capitol.

2. Strike out the word "passage," in line 1, section 3, and insert in lieu thereof "effective date."

3. Strike out the word "three," in line 3, section 8, and insert in lieu thereof the word "two."

4. Strike out the figures "1914," in line 52, Section 8, and insert in lieu thereof "1915."

5. Strike out the word "state," in line 82, Section 8, and insert in lieu thereof "Commonwealth;" insert the word "or" between the words "action" and "proceeding" in line 93, section 8.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Peter Ampler	James R. Dorman	E. V. Hall
Harry Avery	John W. Douglas	W. L. Hampton
Henry C. Blades	John Drescher	J. B. Harvey
Elmer L. Brown	H. C. Duffy	H. H. Hays
A. T. Bryson	John C. Duffy	W. E. Henninger
Glover H. Cary	William Duffy	Dr. S. L. Henry
Ed. F. Cecil	G. P. Durrett	R.B.Hutchcraft,Jr.
J. G. Coke, Jr.	Thomas J. Evans	T. R. Jones
Benj. L. Cox	Ed. Frost	John A. Judy
Geo. T. Davis	Frank C. Greene	John H. Klette

William J. Kuh	S. Mazyck O'Brien	L. M. Smith
Simon B. Lott	A. W. Palmer	Adam Spahn
Dr.J.N.M'Cormack	Dr. T. J. Poteet	W. T. Stott
W. T. McNally	W. A. Price	M. S. Walton, Jr.
John G. Miller, Jr.	J. D. Pumphrey	James T. Webb
T. T. Mobley	Richard Radcliffe	W. M. Webb
J. R. Mount	Dr. W. R. Ray	N. B. White
Harry J. Meyers	Stanley F. Reed	J. D. Wills
John E. Newman	W. A. Shawler	Roy S. Wilson

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Those who voted in the negative were—

Odie Duncan	J. J. Huff	S. H. Rogers
M. J. Farris, Jr.	J. M. Johnson	B. T. Rountree
Vert C. Fraser	C. R. Luker	Ed. D. Stone
V. D. Hammond	Geo. M. McDowell	M. O. Wilson
D. H. Hillman	John A. Polin	

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Resolved, That the title thereof be as aforesaid.

Mr. Douglas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Smith moved that this House do now recess until 7:30 p. m.

Said motion was agreed to.

EVENING SESSION.

At 7:30 the House reconvened.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 337. An Act to regulate the admission of attorneys to practice law.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person hereafter shall be permitted to practice as an attorney or counsellor-at-law or to commence, conduct or defend, any action, suit or claim, in which he is not a party concerned, in any court within this State whether by using or subscribing his own name or the name of any other person, without having previously obtained a license authorizing such person so to do, as hereinafter provided, which license or qualification shall constitute the person so receiving same as attorney or counsellor-at-law, and shall authorize such person to appear in all the courts in this State and there to practice as an attorney or counsellor-at-law according to the laws and customs thereof for and during good behavior in said practice. Nothing in this Act shall be construed to prevent a non-resident attorney in good standing from appearing and practicing in a case in which he may be employed. Provided, This Act shall not apply to any person now having a license to practice law in this State.

§ 2. Any person applying to be admitted as an attorney or counsellor-at-law in the Courts of Kentucky may be licensed only as herein prescribed.

§ 3. There is hereby created a Board of Examiners on Admission to the Bar. The Board shall consist of three (3) members, who shall be appointed by the Court of Appeals of Kentucky and shall hold office for the term of three (3) years and until the appointment and qualification of their successors respectively; except that the three (3) examiners first appointed shall hold office for one, two, and three (1, 2 and 3) years, respectively, the said court indicating at the time of their appointment which of said examiners shall hold for

each of said terms. All vacancies, however, occurring shall be filled by appointment by said court. The members of said board who is senior in point of service shall act as its chairman, except that of the members constituting the first board and the holder of the shortest term shall be its chairman.

§ 4. The members of the board shall be appointed within thirty (30) days after this Act shall take effect, a majority of them shall constitute a quorum, and said board shall proceed promptly after their appointment to the performance of its duties.

§ 5. All applicants for license to practice law shall be examined by the board of bar examiners hereby created, as to their qualifications. All such examinations shall be in writing and be on such subjects as shall be prescribed by the Court of Appeals of Kentucky from time to time, and the answers of the applicants to the questions propounded to them shall be graded by said board, and no applicant shall be granted a license unless he secures a general average of seventy-five (75) per cent.

§ 6. The Court of Appeals shall at the time of its appointment of the first Board of Examiners prescribe the subjects upon which the examination of applicants for license shall be made, and from time to time make such changes in the list of subjects prescribed as to said court may seem proper; and the Board of Examiners shall from time to time make such rules and regulations as to the times and places of holding its examinations and as to the manner of holding and conducting its meetings and procedings as said Board may deem proper. Provided, however, that no more than three (3) sessions of said Board may be held in any one year, and said sessions shall be held at as nearly regular intervals as possible.

§ 7. No one shall be eligible to be licensed to practice law in this State unless he be a graduate of an accredited four-year high school or have a general education equivalent at least to that of such high school, such equivalent to

be carefully determined by said Board whose judgment shall be conclusive; nor unless he have attended a reputable law school for three (3) full sessions of not less than eight (8) months each or studied law continuously in the office of a regular practicing attorney of this State for at least three (3) years; or attended such law school for two such sessions, and so studied law in such a lawyer's office at least one year; or attended such a law school for one session, and so studied law in such a lawyer's office at least two years. Nor shall any one be so licensed by said board unless he satisfy said board that he is at least twenty-one (21) years of age and a person of integrity and good moral character. Provided, that for the first two years after this Act becomes a law, only two years of the study of law pursued in the above manner will be required.

§ 8. Every applicant for license to practice law shall at the time of making application for such license pay to the chairman of said board a fee of ten ($10.00) dollars, and in case of the failure of such applicant to pass the examination given him by said board, he shall at the time of any subsequent application for another examination pay a fee of five (5.00) dollars; but no applicant shall be permitted to take another examination within six months after his last examination. All fees collected as aforesaid shall be paid by the chairman of said board at once into the State Treasury. The said Court of Appeals shall make an allowance to each of said examiners for his services, which shall be paid out of the fees so paid in (and from no other source) a sum not to exceed two hundred ($200.00) dollars per annum, and his necessary expenses while engaged in the performance of his duties, the same to be paid in quarterly installments, on statements filed with the Court.

§ 9. The said Board shall grant to all persons found upon the examination aforesaid to be qualified to practice law a license in writing so to practice duly signed by the chairman of said Board and the members thereof, and report

promptly after the close of each of its sessions to the Chief Justice of the Court of Appeals the names of all persons so licensed.

§ 10. Every person obtaining a license to practice law shall take the oath prescribed by the Constitution of this State and an oath that he will faithfully demean himself in his practice to the best of his knowledge and ability, which oath is to be indorsed on the license and attested by the officer administering the same.

§ 11. The applicant shall pay the fees allowed by law to the clerk of the court for his services. The license so issued shall be recorded on the order book of the court together with the order granting the same, and a certified copy thereof shall be as valid as the original.

§ 12. All laws and parts of laws in conflict with this Act are hereby repealed.

Mr. Pumphrey moved that said bill be tabled.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 479. An Act to furnish protection and means of escape from fire in buildings.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 1830, 1831 and 1832 of the Kentucky Statutes of 1903, being an Act entitled "An Act to provide certain buildings with permanent ladders or fire escapes," approved February 13, 1888, are hereby repealed.

§ 2. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on, shall hereafter under the supervision and direction of the Labor Inspector, be provided with ample and proper ways and means of egress or escape in emergency arising from fire or otherwise, sufficient for the use of all persons therein, and as well shall be protected, so far as practicable, against the origin and spread of fire.

§ 3. After the first day of January one thousand nine hundred and fifteen, buildings, two stories in height used for any purpose as stated in section two, on the second story of which more than ten employes are engaged, shall have at least two means of egress from the second story thereof, placed as far as possible at opposite ends of the room or building. Such egress may be provided by inside stairways or outside fire escapes, or both, and doors communicating therewith. Every building more than two stories in height used for any purpose as stated in Section 2, shall have at least two means of egress communicating with each story upon which more tha ten employes are engaged, one of which means of egress shall be an inside stairway and one an outside fire escape. All such stairways, fire-escapes, doors and windows shall conform to the requirements and standards established by this Act.

§ 4. All stairways required by Section 3 and every elevator shaft in a building which is affected by the provisions of said Sections shall be enclosed in walls of fireproof or fire-resisting material, which shall run from the foundations to and through the roof; the stairways shall be constructed as nearly as possible of fire-proof or fire-resisting material, and all entrances thereto shall be protected by doors of fireproof or fire-resisting material.

§ 5. The fire-escapes required by Section 3 shall be constructed according to the requirements of this Act; and shall consist of outside iron balconies, and stairways at each floor above the first, connecting said balconies to the ground, ex-

cept in the case of a fire-escape over a public highway, or private driveway, when balanced stairs or ladders shall connect the lowest balcony to the ground in a manner hereinafter specified; the stairways shall be placed at a slope no steeper than forty-five degrees, or as near as possible thereto, and shall be, where practicable, on the straight run type similar to a flight of stairs; the balcony on the top floor shall be provided with a goose-neck ladder leading from said balcony to and above the roof, the goose-neck ladder shall be securely bolted through the wall of the building and the strings shall extend at least thirty inches above the roof and return down and be secured to same; there shall be a space of not less than fourteen inches between such ladder and the outer rail of balconies. Fire escapes may project into the public highway to a distance not greater than four feet six inches beyond the building line. The balconies shall not be less than four feet wide in the clear, when one balcony is placed directly above another, and three feet when the escape is constructed on the straight-run plan, taking in at each story above the ground floor at least one door of each part of building separated by inside walls; they shall be not more than one foot below the door sills, and extend in front of not less than nine inches beyond each door; there shall be a landing not less than twenty-four inches square at the head and foot of each stairway; the stairway well-hole on each platform shall be of a size sufficient to provide a clear headway, and shall be protected by a railing similar to that provided for balance of platform. All entrances to fire-escape platforms shall be made by means of doors, which must be cut down to the level of the floor. All doors or windows opening on to a fire escape or directly under a fire escape shall be metal-covered and all glass used therein shall be wire glass.

§ 6. The floors of balconies shall be of wrought iron slats and not less than two inches by three-eighths inch refined flat wrought iron placed not more than one inch apart, and well secured and riveted at each inter-section with three-

eighths inch rivets, the iron runners not less than one and three-quarters inch by one and three-quarters inch by one-quarter inch gusset plate placed at point of bracket one-quarter inch thick. Brackets to be riveted together with one-half inch rivets driven hot concentric with sections riveted together in such a manner that the holes are completely filled, and rivets must be well rounded; wall connections to be provided with one-fifteenth-sixteenth inch hole. For frame buildings to have feet turned down two inches on lower flange of angle with eleven-sixteenths inch hole in same. For brick, stone or cement buildings to extend in wall one and one-half inches. The openings for stairways in all balconies shall not be less than twenty-four inches wide, and such openings shall have no covers of any kind; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

§ 7. All balcony rails shall in no case be less than three feet above the floor of balcony, and shall extend around the entire platform, and in all cases shall go through the wall at each end and be worked out to three-quarters inch both side and be properly secured by nuts with washers at least four inches square and three-eighths inch thick, and no top rail shall be connected at angles by gray cast-iron. The top rail of balconies shall be one three-quarters inch by one-half inch of wrought iron, or one three-quarters inch angle iron at least three-sixteenths of an inch thick, or a three run three-quarters inch inside diameter wrought iron pipe railing, all pipe railings to be continuous. The bottom rails shall in no case be more than eight inches above the floor of balcony, and shall be of one one-half inch by three-eighths inch wrought iron, or of one one-half inch angle iron at least three-sixteenths of an inch thick, all leaded or cemented into the wall; the standard or filling-in bars shall not be less than five-eighths inch round or square wrought iron well riveted

to the top and bottom rails, and shall be placed not more than six inches apart, and the bottom rail of the balcony shall be securely fastened to the frame of the platform. Where the three run pipe-rail is adopted for the balcony railing no additional filling-in bars will be required.

§ 8. The stairway shall be constructed and erected to fully sustain all parts and carry a safe load of not less than one hundred pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts, with the exception of the tread which must safely stand at said ratio a concentrated load of two hundred pounds. The treads shall be not less than seven inches wide in the clear, and the rising of each step not more than nine inches; the treads shall be constructed of two pieces of one one-quarter inch, by one one-quarter inch by three-sixteenth inch angles and one piece of two one-half inch by three-sixteenths inch flat riveted on each end with five-sixteenths inch rivets to one one-quarter inch by three-sixteenths inch angles. Each step will have one piece of one inch by one inch by one-eighth inch angle riveted to each of the side angles forming the step and a two one-half inch by three-sixteenths inch slat between same with five-sixteenths inch counter-sunk rivets on top, such stiffener to be located in the center of steps. The stairs shall be not less than twenty-four inches wide between inside of strings, and there shall remain a clear passageway between the stairway and wall. The strings shall be not less than six inches by one-quarter inch flat wrought refined iron. Stairways to be connected by two one three-quarter inch by three-eighths inch flat wrought iron hooks, one on each side, both secured by two half-inch bolts. The stairs shall have a hand rail of not less than three quarters inch inside diameter round wrought iron pipe, to be of double run pattern, railing to connect at top and bottom to platform; posts to be not less than thirty-six inches in a vertical line from top of step to top run of railing. All posts to be of three-quarter inch inside diameter

wrought iron, pipe to be spaced at intervals not greater than six feet and all fittings to be standard malleable iron; said pipe posts to be secured to the stairway runners by seven-sixteenths inch U bolts. The pipe posts must not be flattened where connection is made to stair runners, but must extend to bottom of said runners in its full and original shape.

§ 9. Brackets shall be placed not more than four feet apart, and shall extend across full width of balcony and on new buildings shall be set as walls are being built.

§ 10. When the lowest balcony of any fire escape is over a public way or private driveway, if such balcony be not more than sixteen feet from the ground a proper balanced stairway of a cantilever type or a proper drop ladder may be used from such balcony instead of the stairway required by Section 8. If such lowest balcony be more than sixteen feet above such way, a suitable platform may be provided at not more than such height, and it shall be reached from the balcony by the stairway required by Section eight and the balanced stairway or drop ladder may be used from such platform to the ground in place of the stairway required by Section 8. Such platform shall not be less than three feet wide and four feet long and provided with railings as before specified for balconies.

§ 11. Every ladder required or permitted by this Act shall be at least seventeen inches wide with rungs of three-fourths inch square iron spaced fourteen inches center to center.

§ 12. All the parts of such fire escapes shall receive not less than two coats of paint, one in the shop and one after erection, and shall be painted thereafter at least once in each year.

§ 13. Doors leading to fire escapes shall be clearly indicated by signs posted or painted on the walls above or at the side of such doors. The approaches to such doors shall be kept free and unobstructed at all times.

A fire tower approved by a Labor Inspector may be substituted for an inside stairway or outside fire escape.

All exit doors throughout the building shall open outward or be sliding doors, and if kept closed during working hours, shall be fastened only in such manner as to be capable of ready and immediate opening from the inside.

Every building affected by the provisions of Section 3 hereof shall be equipped with a system of fire alarms, with sufficiently large gongs, located on each floor of the factory building, or within each separate room where more than one factory is located on a single floor.

The system shall be so installed as to permit the sounding of all the alarm gongs within a single building whenever the alarm is sounded in any one portion thereof. The means of sounding three alarms shall be placed within easy access of all the operatives within the specified factory or room, and shall be plainly labeled.

§ 14. If, after January first, 1915, more than ten employees are employed on the second or any higher story of any building affected by the provisions of Section Three of this Act and such building is not constructed and equipped in all respects in compliance with this Act the employer or employers of such employees and of each of them and the owner of such building, shall be deemed to have violated this Act and there shall be deemed to be a separate offense committed on each day that this act is so violated. The punishment for the first offense shall be a fine of not less than fifteen nor more than one hundred dollars and for each subsequent offense a fine of not less than fifteen nor more than one hundred dollars or imprisonment in the County Jail for not more than fifty days or both such fine and imprisonment.

§ 15. The system of fire alarms required in Section 13 hereof shall not be used for any purpose other than in case of fire or fire drill. Any one using it for any other purpose shall be guilty of a misdemeanor and fined not more than $10.00 for each offense.

§ 16. It shall be the duty of every person, firm or corporation who employs more than one person in the second

or any higher story of any building affected by the provisions of Section 3 of this Act to cause to be practiced by his employees at least once in every calendar month a fire drill sufficient to enable them immediately and rapidly to leave such building. It shall also be the duty of such person, firm or corporation to give a demonstration of this fire drill on request of the Labor Inspector or of the Chief of the Fire Department of the municipality where such building is situated. After the first day of January, 1915, a violation of either provision of this section shall be a misdemeanor and the guilty person, firm or corporation shall be punished by a fine of not less than five nor more than twenty-five dollars for each offense.

§ 17. Nothing in any of the foregoing sections of this Act after the first section shall apply to any building situated within the corporate limits of any city of the first or second class, or to any building which is affected by the provisions of the next following section hereof.

§ 18. Every building of three or more stories in height in a city of the third class, excepting (a) private residences, (b) stores and warehouses in which not more than twenty persons are employed, and (c) buildings affected by the provisions of Section 3 of this Act shall be provided with one or more permanent metallic ladders or fire escapes, extending from the first story to the upper stories of such building, and above the roof and on the outer walls thereof, in such location, numbers and character of construction as the chief of fire department or chief fire officer of each such city may determine. The said chief of the fire department or chief fire officer shall examine the building and serve either in person or by deputy, a notice, in writing, upon the owner, agent, lessee or occupant of such building, by leaving at his or her residence or place of business a copy of such notice, setting forth the number, kind, construction and location of the ladder or ladders required, and directing that the work shall be completed not later than thirty days from the filing of the notice. If the owner of the building fails to take steps look-

ing to compliance with the specifications of the said notice, then the agent, lessee, or occupant, who is justly liable for the violation of the provisions of this section must have the work performed at his own expense, and for the cost thereof a lien on the building and grounds is hereby declared to exist after record in the office of the county clerk. Any owner, agent, lessee or occupant of such building violating any of the provisions of this section, shall be fined not less than fifteen dollars nor more than one hundred dollars for each thirty days the building may be unprovided with the ladder or fire escape, or imprisoned in the county jail for not more than fifty days or punished by both such fine and imprisonment.

§ 19. If any section or part of this Act shall be held to be invalid in whole or in part it shall not affect any other section or part unless it be inseparably connected with such invalid portion and then only in so far as so connected, as it is not the intention of the General Assembly that any part or parts of this Act shall be deemed to form the moving consideration for the adoption of the Act without which it would not have been passed, but is rather the intention that any part or parts complete, sensible and valid in itself or themselves shall be enforced.

The Committee on Insurance, Fire and Marine, offered the following amendment to said bill by way of substitute therefor:

Said substitute reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the first of January, 1915, every factory, workshop, mill, or place where the manufacturing of goods of any kind is carried on, every hotel, boarding house or tenement house in which more than ten people are ordinarily at

work or sleeping and more than two stories in height shall be equipped with fire escapes which shall be under the supervision and direction of the State Labor Inspectors.

§ 2. It shall be the duty of the State Labor Inspectors when they find a building used for any of the purposes enumerated in Section 1 of this Act unprovided with proper means of escape in case of fire to immediately notify the owner, proprietor or agent of said building that it is without proper fire protection for the safety of those who work or sleep therein. It shall then be the duty of the owner, proprietor or agent of said building to immediately provide the necessary and proper equipment for the escape of the inmates in case of fire. The said State Labor Inspectors are empowered to require at least one outside matalic fire escape upon each building and said fire escape shall reach to the roof of said building and there shall be openings from each floor or story, above the second story of said building, to the fire escape. The fire escape may be a stairway, ladder, spiral or chute, but must be metal and of sufficient strength and capacity to provide for the reasonable safety of all inmates of the building upon which the fire escape is provided. Should a building be of such dimension or so construrted as to render one fire escape insufficient for the safety if the people working or sleeping therein, then there shall be more than one metal fire escape provided and of sufficient distance from each other to render the chances of exit for all occupants in case of fire reasonably safe and certain.

§ 4. Doors leading to fire escapes shall be clearly indicated by sign boards or printed on the wall above or at the sides of such doors. The approach of such doors shall be kept free and unobstructed at all times. All exit doors throughout the building shall open outward or by sliding doors and if kept closed during working hours shall be fastened in such a manner as to be capable of ready and immediate opening from the inside.

§ 5. The provisions of this Act shall not apply to cities

of the first and second class, but it shall be the duty of the labor inspectors to call the attention of the chief fire officer of any such city to a lack of proper fire protection to the inmates of any building in which they find inadequate equipment for escape in case of fire and the chief fire officer of a city of the first or second class shall at once see that proper provisions are made for the protection of the inmates in case of fire.

§ 6. In case any owner, proprietor or agent having control of any building used for the purpose named in Section 1. fails to provide the fire escape as named in this Act within thirty days after receiving written notice from a Labor Inspector, he shall be fined not less than $10 nor more than $50 for each offense, and each day shall be regarded as a separate offense, unless it can be shown that it is not his fault that same is not installed, and that he is using due diligence to provide same.

§ 7. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Said amendment by way of substitute was agreed to.

Mr. Walton moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended by way of substitute was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	C. M. Gum	S. Mazyck O'Brien
Harry Avery	W. L. Hampton	A. W. Palmer
Geo. B. Barrett	V. D. Hammond	Lilburn Phelps
J. M. Billeter	J. B. Harvey	William A. Perry
Henry C. Blades	H. H. Hays	John A. Polin
Joseph Boitnott	Dr. S. L. Henry	J. D. Pumphrey
A. T. Bryson	D. H. Hillman	Dr. W. R. Ray
Ed. F. Cecil	J. M. Johnson	Stanley F. Reed
J. G. Coke, Jr.	John A. Judy	S. H. Rogers
Benj. L. Cox	Griffin Kelly	W. A. Shawler
James R. Dorman	John H. Klette	L. M. Smith
John W. Douglas	William J. Kuh	Adam Spahn
John Drescher	J. C. Lay	Ed. D. Stone
H. C. Duffy	Simon B. Lott	W. T. Stott
Odie Duncan	Dr.J.N.M'Cormack	N. C. Tilford
G. P. Durrett	Geo. M. McDowell	M. S. Walton, Jr.
Thomas J. Evans	W. T. McNally	James T. Webb
M. J. Farris, Jr.	T. T. Mobley	W. M. Webb
W. N. Flippin	J. R. Mount	N. B. White
Vert C. Fraser	Harry J. Meyers	Roy S. Wilson
Ed. Frost	Zach. L. Myers	
Frank C. Greene	John E. Newman	—64

Resolved, That the title thereof be as aforesaid.

Mr. Blades moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 381. An Act establishing a State Athletic Board of Control.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall hereafter be a State Athletic Board of Control, and within thirty days after this Act takes effect the Governor shall appoint three persons to be members of such Board, who shall hold office for the term of four years from the first day of January following the date of their appointment. The Governor shall also appoint their successors, possessing like qualifications on the first day of January of each successive fourth year, beginning with the year nineteen hundred and fifteen. The Board shall maintain a general office for the transaction of its business. The members of the Board shall, at their meeting after this appointment, elect one of their number chairman of the Board, shall adopt a seal for the Board and may make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may hereafter amend or abrogate such rules. Two of the members of the Board shall constitute a quorum to do business; and the concurrence of at least two members of the Board shall be necessary to render a choice or decision by the Board.

§ 2. The Board shall appoint, and at pleasure remove, a secretary to the Board, whose duty it shall be to keep a full and true record of its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the Board and to perform such other duties as the Board may prescribe; and he may, under direction of the Board, issue subpoenas for the attendance of witnesses before the Board with the same effect as if they were issued in an action in Court and may, under direction of the Board, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the Board. Disobedience of such a subpoena and false swearing before such secretary shall be attended by the same consequences

and be subject to the same penalties as if such disobedience or false swearing occurred in an action in court. The necessary traveling and other necessary expenses of the members of the Board, which, including the salary of the secretary, shall not exceed the sum of five thousand ($5,000.00) dollars per year, shall be paid monthly out of the funds of the Board. The Board shall bi-annually make, to the Legislature, a full report of its proceedings for the year, ending with the first day of the preceding December, and may submit, with such report, such recommendations pertaining to its affairs as to it shall seem desirable.

§ 3. The Board shall have, and hereby is vested with the sole direction, management and control of and jurisdiction over, all boxing and sparring matches and exhibitions to be conducted, held or given within the State by any club, corporation or association; and no boxing or sparring match or exhibition shall be conducted, held or given within the State except pursuant to its authority and in accordance with the provisions of this Act. The Board may, in its discretion, issue, and at its pleasure, revoke a license to conduct, hold or give boxing and sparring matches and exhibitions to any club, corporation or association. Every license shall be subject to such rules and regulations, and amendments thereof as the Board may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the Board and shall be verified by some officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license and in addition thereto, such other facts and recitals as the Board may by rule require to be shown.

§ 5. All buildings or structures used, or intended to be used, for the purpose of this Act, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the laws, ordinances

and regulations pertaining to buildings in the city, town or village where situated. Where a part of a building or structure is used for the purpose set forth in this Act, this section shall apply in the same manner.

§ 6. No boxing or sparring match or exhibition shall be of more than ten rounds in length; and the contestants shall wear, during such contest, gloves weighing at least eight ounces. The contestants in such boxing or sparring match or exhibition shall be examined by a reputable physician, who is licensed as such physician, and shall be in excellent physical condition before participating in such boxing or sparring contest or exhibition.

§ 7. Any contestant who shall participate in any sham or fake boxing or sparring match or exhibition shall be penalized in the following manner: For the first offense he shall be restrained for a period of one year, such period to begin immediately after the occurrence of such offense, from participating in any boxing competition to be held or given by any club, corporation or association duly licensed to give or hold any such boxing or sparring match or exhibition; for the second offense, he shall be totally disqualified from further admission or participation in any boxing contest held or given by any club, corporation or association duly licensed for said purpose.

§ 8. Every club, corporation or association which may hold or exercise any of the privileges conferred by this Act, shall, within twenty-four hours after the determination of every contest, furnish to the Board a written report, duly verified by one of its officers, showing the number of tickets sold for such contest and the amount of the gross proceeds thereof, and such other matters as the Board may prescribe, and shall also within the same time pay to the Board a tax of five per centum of its total gross receipts, from the sale of tickets of admission to such boxing or sparring match or exhibition, which tax, after the payment therefrom of the expenses of the Board and the salary of the secretary to the

Board, as hereinafter provided shall be turned over to the State Treasurer and credited to the State School Fund. Before any license shall be granted to any club, corporation or association to conduct, hold or give any boxing or sparring match or exhibition, such applicant therefor shall execute and file with the Board a bond in the sum of five thousand ($5,000.00) dollars to be approved as to form, and the sufficiency of the sureties thereon, by the Board, conditioned for the payment of the tax hereby imposed. Upon the filing and approval of such bond, the Board shall issue such applicant for such license, a certificate of such filing and approval which shall by such applicant be filed in the office of the Board with its application for such license; and no license shall be issued until such certificate shall be so filed.

§ 9. Whenever any such club, corporation or association shall fail to make a report of any contest at the time prescribed by this Act or whenever such report is unsatisfactory to the Board, they may examine or cause to be examined, the books and records of such club, corporation or association and subpoena and examine, under oath, its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of the tax due, pursuant to the provisions of this Act, which tax they may, upon, and as the result of such examination, fix and determine. In case of the default in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, for a period of twenty days after notice to such delinquent club, corporation or association of the amount at which the same may be fixed by the Board, such delinquent shall, ipso facto, forfeit its license and shall thereby be disqualified from receiving any new license or any renewal of license; and it shall, in addition, forfeit to the people of the Commonwealth of Kentucky the sum of five hundred dollars, which may be recovered by the Attorney General in the name of the people of the Commonwealth of

Kentucky in the same manner as other penalties are by law recovered.

§ 10. Any person who violates any of the provisions of this Act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor.

§ 11. The provisions of Sections 1284, 1285, 1286, 1287, 1288, 1289 and 1290 of the Kentucky Statutes shall not apply to any boxing or sparring match or exhibition conducted, held or given by any club, corporation or assoication duly licensed pursuant to the provision of this Act.

§ 12. This Act shall take effect immediately.

§ 13. The license fee shall be three hundred dollars per annum for cities of the first class and Two hundred dollars per annum for cities of the second class, and one hundred and fifty dollars for cities of other classes, and shall be payable to the Board, and shall be used by said Board in liquidating the expenses of the Board, together with any other funds as may come into the hands of the Board under the provisions of this Act, and after the necessary expenses have been paid, which are not to exceed five thousand dollars per annum, the funds remaining shall be turned over to the State Treasurer and credited to the State School Fund.

§ 14. The Board shall make an accounting to the State Treasurer on or before the first of January of each year.

Mr. Luker moved that said bill be tabled.

Said motion was disagreed to.

The Committee on Kentucky Statutes offered the following amendment to said bill:

Amend Section 9 by striking out the words "the people of" whenever they occur.

Amend Section 10 by adding at the end thereof the words "punishable by a fine of not less than $100 nor more than $500."

Said amendments were agreed to.

Mr. Mount offered the following amendment to said bill:

Amend H. B. 381: "That no boxing exhibition or contest shall occur on Sunday or the Sabbath, and if held on that day the persons or club putting on said exhibition or contest shall be subject to an indictment, and upon conviction shall be fined not less than two hundred dollars nor more than five hundred dollars for each violation of this provision."

Said amendment was agreed to.

Mr. Walton moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Peter Ampler	Elmer L. Brown	Geo. T. Davis
Geo. B. Barrett	A. T. Bryson	James R. Dorman
J. M. Billeter	Glover H. Cary	John W. Douglas

William Duffy	Geo. M. McDowell	J. D. Pumphrey
Odie Duncan	W. T. McNally	Richard Radcliffe
Thomas J. Evans	John G. Miller, Jr.	Stanley F. Reed
Vert C. Fraser	Harry J. Meyers	Adam Spahn
Frank C. Greene	Zach. L. Myers	Louis Tieman
C. M. Gum	John E. Newman	N. C. Tilford
W. E. Henninger	S. Mazyck O'Brien	M. S. Walton, Jr.
R.B.Hutchcraft,Jr.	Lyman J. Parrigin	W. M. Webb
John A. Judy	Lilburn Phelps	N. B. White
John H. Klette	William A. Perry	Roy S. Wilson
William J. Kuh	John A. Polin	
Dr.J.N.M'Cormack	W. A. Price	—43

Those voting in the negative were—

Joseph Boitnott	J. B. Harvey	A. W. Palmer
Ed. F. Cecil	Dr. S. L. Henry	Dr. W. R. Ray
Benj. L. Cox	D. H. Hillman	S. H. Rogers
John C. Duffy	J. J. Huff	W. A. Shawler
G. P. Durrett	J. M. Johnson	L. M. Smith
W. N. Flippin	T. R. Jones	Ed. D. Stone
Ed. Frost	Griffin Kelly	W. T. Stott
Elwood Hamilton	Simon B. Lott	James T. Webb
W. L. Hampton	J. R. Mount	J. D. Wills
V. D. Hammond	A. J. Oliver	—29

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 553. An Act to amend Section 702, Kentucky Statutes, so as to further the assessment of co-operative fire insurance companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 702 of the Kentucky Statutes, as amended, be now further amended by adding after the word "wind" in the said section, the word, "hail," so that the section when amended, shall read as follows:

"Twenty-five or more persons residing in any one or more adjoining towns, or in any county, or in not exceeding ten adjoining counties, who collectively own property of the value of fifty thousand dollars or more, may become a corporation for the purpose of co-operative or assessment insurance against loss or damage by fire, hail or lightning, by making and acknowledging a certificate, setting forth their intention to form such corporation, the county or counties, town or towns in which it intends to do business, its corporate name and the place where its principal office is to be located. Every person insured in such corporation, who shall sign an application for insurance, as required by the certificate of incorporation, or by-laws of the corporation, shall thereby become a member thereof."

Mr. Walton offered the following amendment to said bill:

Amend H. B. 553 by adding the word "fire" and before the word "hail," in line 9, page two, the word "wind."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	W. L. Hampton	A. W. Palmer
Jas. W. Barrall	V. D. Hammond	Lyman J. Parrigin
Henry C. Blades	J. B. Harvey	Lilburn Phelps
Joseph Boitnott	H. H. Hays	William A. Perry
A. T. Bryson	D. H. Hillman	John A. Polin
Glover H. Cary	R.B.Hutchcraft,Jr.	W. A. Price
Ed. F. Cecil	J. M. Johnson	Richard Radcliffe
J. G. Coke, Jr.	John A. Judy	Dr. W. R. Ray
Benj. L. Cox	Griffin Kelly	S. H. Rogers
Geo. T. Davis	John H. Klette	B. T. Rountree
James R. Dorman	William J. Kuh	W. A. Shawler
John W. Douglas	Simon B. Lott	L. M. Smith
John Drescher	Dr.J.N.M'Cormack	Adam Spahn
H. C. Duffy	Geo. M. McDowell	W. T. Stott
John C. Duffy	W. T. McNally	Louis Tieman
Odie Duncan	John G. Miller, Jr.	N. C. Tilford
G. P. Durrett	T. T. Mobley	M. S. Walton, Jr.
Thomas J. Evans	J. R. Mount	James T. Webb
M. J. Farris, Jr.	Harry J. Meyers	John F. White
W. N. Flippin	Zach. L. Myers	N. B. White
Ed. Frost	John E. Newman	J. D. Wills
Frank C. Greene	S. Mazyck O'Brien	Roy S. Wilson
E. V. Hall	A. J. Oliver	

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Resolved, That the title thereof be as aforesaid:

Mr. Judy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and Sections 4501 to 4503, inclusive, Art. II, Chapter 113, Kentucky Statutes, Carroll's Edition 1909, relating to the examination and qualification of teachers.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4426, Article VI, Kentucky Statutes, Carroll's Edition of 1909, be repealed and that the following be and the same is enacted in lieu thereof:

Any County Superintendent or county examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools, or who shall permit any one to take an examination who is under the prescribed age prior to the date of examination, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each offense. If there should be any doubt as to the age of an applicant, the superintendent may require the applicant to take and subscribe to an oath as to his age, before entering the examination.

Any county superintendent, county examiner, printer, officer of State or county, or any other person who shall sell, barter, give or furnish, or procure to be sold, barter, given or furnished, to any applicant for a certificate, or to any other person, or any person who shall have in his possession unlawfully, or in a way not provided by law, any question or questions prepared or sent out by the Superintendent of Public Instruction or the State Board of Examiners, for the examination of persons applying for such certificate, or in any way dispose of such question or questions, except in the manner provided by law, shall be guilty of a felony and shall upon conviction be punished by confinement in the penitentiary

not less than one year nor more than two years. Any applicant for a State diploma, State certificate or county certificate who shall either give or receive any assistance in answering any question during any examination for such certificate, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

§ 2. That Section 4501, Article XI, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, be repealed and there be and the same is enacted in lieu thereof the following:

There shall be three grades of certificates issud to teachers of common schools; first, a State teacher's diploma; second, State teacher's certificate; and third, a county certificate, which may be first class or second class. Before any person shall be qualified to teach in any common school, such person shall obtain one of these three grades of certificates.

The State Board of Examiners shall carefully prepare three series of questions for white teachers and an equal number for colored teachers, all of the same grade; shall enclose in an envelope such number of questions of each given series as the county superintendent shall make requisition for, at least twenty days before the examination, with the name of the subject plainly written or printed across the seal thereof; shall enclose the several envelopes in a package, which they shall seal and forward by registered mail to each county superintendent at least one week before the examination, designating on the outside of the package, the month and the date for which the same shall be used. The county superintendent shall carefully preserve the said package of questions under seal until the hour of examination; and the seal of the said package shall then be examined by the other examiners and the applicants for certificates, and the package shall be opened in their presence. Immediately after examining the package of questions, each of the county examiners shall under his oath as examiner, upon blanks furnished for that purpose by the Superintendent of Public In-

struction, give a separate certificate with signatures, attested by two reliable witnesses, that he had personally inspected said package, and whether he had found the same intact as provided herein, and forward the certificate to the Superintendent of Public Instruction on the same date. Separate certificates shall be made and forwarded for State and county certificate examinations.

There shall be two examinations held in each county of the State annually, for a State certificate on the third Friday and Saturday in June and September. There shall be three examinations held for white teachers in each county of the State on the third Friday and Saturday in May, June and September, of each year and three for colored teachers upon the fourth Friday and Saturday for the same months and no examinations for either State or county or county certificates shall be held at any other time whatever. No certificates shall be held at any other time whatever. No certificates shall be issued upon the dates of the examination nor shall any answers be passed upon in the presence of any of the applicants. The examiners shall exclude from the room, during the examination all persons other than applicants and see that the applicants are seated at the proper distance from each other and shall see that no assistance is given or obtained by any applicant during the examination and shall refuse to grant a certificate to any applicant who may either obtain or give such assistance. The examiners shall allot a reasonable time for the examination on each subject, taking the subjects in the following order: 1, spelling; 2, reading; 3, writing; 4, arithmetic; 5, grammar; 6, English and composition; 7, geography; 8, physiology and hygiene; 9, civil government; 10, United States history and Kentucky history; and shall collect the answers of all applicants when the time allotted has expired, and no additional subjects shall be given until the answers to the previous subject have all been collected. The county superintendent and at least one of the examiners shall be present and shall conduct all examinations and sign

all certificates. No certificate shall be granted to any person who indulges in drunkenness, profanity, gambling or licentiousness, or who is otherwise unfit to be a teacher.

§ 3. That Section 4502, Article XI, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, be repealed and that the following be and the same is enacted in lieu thereof:

State diplomas may be issued by the State Board of Examiners after a personal examination held at the State Capitol on the last Wednesday of July of each year, upon the subjects embraced in the common school course of study and also upon the science and art of teaching psychology, English literature, algebra, higher arithmetic, geometry, physics and elementary Latin. In order to be entitled to a State teacher's diploma, the applicant in addition to attaining on the required examination an average grade of not less than ninety per centum, the lowest grade on any subject being not less than seventy per centum, shall be at least twenty-four years old, shall have taught in the State at least two years, and shall present satisfactory evidence of unexceptionable moral character. A State diploma shall be good in all schools throughout the State maintained wholly or partially by the State, until revoked by the Superintendent of Public Instruction, or until the holder shall fail for five successive years to be engaged in active school work. It shall qualify the holder for eligibility as candidate for the office of county superintendent of schools, and may for cause, be revoked by any county superintendent, subject to the approval of the State Board of Education, as far as it applies to his county, of which immediate information shall be given to the Superintendent of Public Instruction. Said diploma shall be impressed with the seal of the State Board of Examiners, and the fee of the applicant shall be five dollars, which shall be paid to the two members, who, with the Superintendent of Public Instruction, compose the State Board of Examiners.

§ 4. That Section 4502a, Article 11, Chapter 113, Ken-

tucky Statutes, Carroll's Edition of 1909, be and the same is repealed.

§ 5. That Section 4503, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, be repealed and that the following be and the same is enacted in lieu thereof:

A State teacher's certificate may be granted by the State Board of Examiners upon the recommendation of the county board of examiners, after a written examination held in the county of the applicant's residence, or on a personal examination before the State Board of Examiners at the State Capitol, said applicant attaining an average grade of at least ninety per centum, the lowest grade upon any subject being not less than seventy per centum, upon the subjects embraced in the common school course of study, and also upon English literature, elementary algebra, higher arithmetic and the science and art of teaching. In order to be entitled to a State certificate, the applicant, in addition to passing the required examination, shall be at least twenty-one years old, and shall have had two years' experience in teaching. Examinations for State teacher's certificates shall be held in all counties of the State on the third Friday and Saturday of June and September each year, and the questions for the examinations shall be forwarded by the State Board of Examiners with the questions for the June and September county examinations, at the same time and in the same package, be preserved and opened at the same time as the questions for county certificates. The applicants for State certificates shall be examined on the same days upon which the applicants for county certificates are examined in June and September and immediately upon the close of the examination for State certificates, the county superintendent shall collect the papers of each applicant for State certificate, preserve them from all inspection and immediately forward them to the State Board of Examiners, with the recommendation that the certificate should or should not be granted. No applicant shall be examined for a State certificate unless the said applicant is

known to the county superintendent to possess an unexceptionable moral character and to possess the age and experience herein required. The county superintendent shall enclose with the answers, a written statement signed and sworn to by at least two members of the county board of examiners, that the examination had been held in strict accordance with the law and that the applicant had not either directly or indirectly received any assistance, and that the moral character of the applicant was unexceptionable. If the answers are deemed sufficient, and the recommendation of the county board of examiners is favorable, the State Board of Examiners may issue a certificate, which shall entitle the holder to teach in any school of the State for a period of eight years, unless revoked by the Superintendent of Public Instruction or unless the holder shall fail for two successive years to be engaged in active school work. At the expiration of the time for which it was granted, if it shall not have been revoked by the Superintendent of Public Instruction and if the holder shall not have failed for two successive years to be engaged in active school work, a State certificate may be renewed for another eight years by the State Board of Examiners, without additional fee, provided the county board of examiners for the county where the holder at the time resides, recommends the renewal of said certificate, stating that the applicant is of good moral character and that said applicant has not failed for two successive years to be engaged in active school work. In no case, shall any State certificate be valid for a period longer than sixteen years. Any county superintendent may, for cause, revoke a State certificate as far as it applies to his county, of which immediate information shall be given to the Superintendent of Public Instructon and be subject to his approval. A State certificate shall be impressed with the seal of the State Board of Examiners and the fee charged the applicant shall be four dollars, besides the registration fee for forwarding the answers, of which one dollar shall be paid to the county board of examiners. The

proceeds of the fees for examination for State certificate shall be divided between the two professional members of the State Board of Examiners, in proportion to the services rendered by them.

County certificates shall be first class and second class and shall be valid for four years and two years respectively. No county certificate shall be valid in any county other than the one in which it is issued, except that in cases of emergency, a first class certificate issued in one county may be validated in another county by the county board of examiners for a period of one year. No certificate of the second class shall entitle the holder to teach in any school or district reporting seventy-five or more pupil children. A county certificate of the first class shall require an average grade of eighty-five per centum upon all the subjects in the common school course and upon the science and art of teaching, and the lowest grade on any subject shall not be less than sixty-five per centum. A county certificate of the second class shall require an average grade of seventy-five per centum and the lowest grade on any subject shall not be less than sixty per centum. If, at any time, the holder of a county certificate shall be found incompetent, inefficient, immoral or otherwise unworthy to be a teacher, the county superintendent shall revoke the certificate of such person; and no teacher, whose certificate has been revoked shall be entitled to receive payment for service only up to the time of revocation. No person shall be entitled to receive a county certificate of either class who was not eighteen years of age prior to the date of the examination. Nothing in this act shall be construed to require any teacher now holding a State diploma, State teacher's certificate or county certificate to be re-examined until the expiration of said certificate. A person having taught for eight consecutive years in the same county under first class certificates, may have the last one renewed for a period of four years by the county superintendent, who shall write upon it "renewed," sign officially and give the date

of such renewal. When a certificate has been renewed one time, the teacher shall again receive two first class certificates as stated above before it can be renewed a second time.

The State Board of Education of Kentucky is hereby authorized to inspect and validate for Kentucky State diplomas and State certificates of other States on the reciprocity plan.

Mr. W. M. Webb offered the following amendment to said bill:

Amend Section five, page eight, line eighty-eight, by inserting after the word "certificate" the following: "And it is herein provided that no minimum salary of all teachers in this Commonwealth holding all such certificates as are provided or mentioned in this Act shall be fixed, and that this provision shall in effect repeal all laws and provisions pertaining to the minimum salaries of teachers in this State."

Said amendment was agreed to.

Mr. Palmer offered the following amendment to said bill:

Amend by adding at the end thereof the following: "There being now no law under which examinations for teachers can be held, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor."

Said amendment was agreed to.

Mr. Hall offered the following amendment to said bill:

Amend H. B. 60 by adding at the end thereof the following: "That that portion of Sec. 6 of an Act entitled 'An Act for the government and regulation of the schools of the

State,' which became a law March 24, 1908, as amended by Sec. 5, Chapter 25 of the Acts of 1912, which relates to the time of employing teachers and the manner of filling vacancies, be amended so as to read as follows:

"The division board in each educational division shall meet for the consideration of applications and the election of the teachers on the first Saturday in June and July in each year, and any vacancy existing for any course in any sub-district thereafter shall be filled by the County Board of Education upon the recommendation of the trustee of such sub-district."

Said amendment was agreed to.

Mr. Luker offered the following amendment to said bill:

Amend Section 1, line 28, by striking out remainder of section and substituting in lieu thereof "shall be punished by expulsion from examination."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Harry Avery	Geo. B. Barrett	Henry C. Blades
Jas. W. Barrall	J. M. Billeter	Joseph Boitnott

Elmer L. Brown	V. D. Hammond	Zach. L. Myers
A. T. Bryson	J. B. Harvey	John E. Newman
Glover H. Cary	H. H. Hays	S. Mazyck O'Brien
Ed. F. Cecil	W. E. Henninger	A. W. Palmer
J. G. Coke, Jr.	Dr. S. L. Henry	William A. Perry
Benj. L. Cox	D. H. Hillman	John A. Polin
James R. Dorman	J. J. Huff	J. D. Pumphrey
John W. Douglas	R.B.Hutchcraft,Jr.	Richard Radcliffe
John Drescher	J. M. Johnson	S. H. Rogers
H. C. Duffy	T. R. Jones	S. M. Saufley
John C. Duffy	John A. Judy	L. M. Smith
G. P. Durrett	Griffin Kelly	W. T. Stott
Thomas J. Evans	John H. Klette	Louis Tieman
M. J. Farris, Jr.	William J. Kuh	N. C. Tilford
W. N. Flippin	J. C. Lay	M. S. Walton, Jr.
Vert C. Fraser	C. R. Luker	James T. Webb
Ed. Frost	Dr.J.N.M'Cormack	W. M. Webb
Frank C. Greene	Geo. M. McDowell	John F. White
C. M. Gum	W. T. McNally	N. B. White
E. V. Hall	T. T. Mobley	Roy S. Wilson
Elwood Hamilton	J. R. Mount	
W. L. Hampton	Harry J. Meyers	—70

Those voting in the negative were—

Lyman J. Parrigin	W. A. Shawler	Ed. D. Stone

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Mr. Hall offered the following amendment to the title of said bill:

Amend title to H. B. 60 by adding at end thereof the following: "And to amend Sec. 6 of an Act entitled 'An Act for the government and regulation of the common schools of the State,' which became a law March 24, 1908, as amended by Sec. 5, Chapter 25, of the Acts of 1912."

Said amendment was agreed to.

Resolved, That the title thereof be as amended.

Mr. W. M. Webb moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 384. An Act relating to crimes and punishments and for the protection of girls under sixteen years of age.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whoever shall take, go with, persuade or induce in any manner, any female under the age of sixteen, to leave her home, or the custody of her parents, guardian or person or persons who may be in the control or custody of such female, for the purpose of marrying her, or of having her married to another, without the written authority of her parents, guardian or person or persons having control of her, whoever shall in any manner persuade such female to leave the State for the purpose of marrying her or having her married to another, without the above mentioned consent, shall be deemed guilty of a felony, and upon conviction, be confined in the penitentiary for not less than one nor more than five pears.

§ 2. This Act shall become a law upon its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Jas. W. Barrall	Frank C. Greene	John E. Newman
Geo. B. Barrett	C. M. Gum	S. Mazyck O'Brien
J. M. Billeter	E. V. Hall	A. W. Palmer
Henry C. Blades	Elwood Hamilton	Lilburn Phelps
Joseph Boitnott	W. L. Hampton	William A. Perry
Elmer L. Brown	J. B. Harvey	John A. Polin
A. T. Bryson	H. H. Hays	Richard Radcliffe
Glover H. Cary	W. E. Henninger	Dr. W. R. Ray
Ed. F. Cecil	D. H. Hillman	S. H. Rogers
J. G. Coke, Jr.	J. J. Huff	S. M. Saufley
Benj. L. Cox	R.B.Hutcheraft,Jr.	W. A. Shawler
James R. Dorman	J. M. Johnson	L. M. Smith
John W. Douglas	T. R. Jones	Ed. D. Stone
John Drescher	John A. Judy	W. T. Stott
John C. Duffy	William J. Kuh	Louis Tieman
Odie Duncan	Simon B. Lott	N. C. Tilford
G. P. Durrett	W. T. McNally	M. S. Walton, Jr.
Thomas J. Evans	T. T. Mobley	James T. Webb
M. J. Farris, Jr.	J. R. Mount	W. M. Webb
W. N. Flippin	Harry J. Meyers	John F. White
Vert C. Fraser	Zach. L. Myers	J. D. Wills

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Those voting in the negative were—

Geo. M. McDowell	J. D. Pumphrey	N. B. White
A. J. Oliver		

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Resolved, That the title thereof be as aforesaid.

Mr. Dorman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 307. An Act prohibiting superintendents of public schools, principals or supervisors and teachers, who receive compensation for such services out of the public school fund, from acting as sales agents, either directly or indirectly, for any school book publishing house qualified to sell school text books in the State of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No Superintendent of Schools, Principal, Supervisor or teacher, who receives compensation for services from the State School Fund, shall act as sales agent, either directly or indirectly, for any school book publishing house qualified to sell school text-books in the Commonwealth of Kentucky.

Any person violating this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined in a sum not less than two hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment; and all such fines shall be covered into the treasury of Kentucky for the benefit of the State School Fund.

§ 2. Whereas, some such officers are apt to be employed as sales agent and some have already been so employed, an

emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approved by the Governor.

Mr. Walton moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Odie Duncan	T. R. Jones
Harry Avery	G. P. Durrett	John A. Judy
Jas. W. Barrall	M. J. Farris, Jr.	Griffin Kelly
J. M. Billeter	W. N. Flippin	John H. Klette
Henry C. Blades	Vert C. Fraser	William J. Kuh
Joseph Boitnott	Ed. Frost	J. C. Lay
Elmer L. Brown	C. M. Gum	Simon B. Lott
A. T. Bryson	E. V. Hall	Dr.J.N.M'Cormack
C. W. Burton	W. L. Hampton	Geo. M. McDowell
Glover H. Cary	J. B. Harvey	W. T. McNally
J. G. Coke, Jr.	H. H. Hays	T. T. Mobley
Benj. L. Cox	W. E. Henninger	J. R. Mount
Geo. T. Davis	Dr. S. L. Henry	Harry J. Meyers
James R. Dorman	D. H. Hillman	Zach. L. Myers
John Drescher	J. J. Huff	John E. Newman
John C. Duffy	R.B.Hutchcraft,Jr.	S. Mazyck O'Brien
William Duffy	J. M. Johnson	A. J. Oliver

Lyman J. Parrigin	S. M. Saufley	James T. Webb
Lilburn Phelps	W. A. Shawler	W. M. Webb
William A. Perry	L. M. Smith	John F. White
John A. Polin	Ed. D. Stone	N. B. White
W. A. Price	W. T. Stott	J. D. Wills
J. D. Pumphrey	Louis Tieman	Roy S. Wilson
Dr. W. R. Ray	N. C. Tilford	
S. H. Rogers	M. S. Walton, Jr.	—73

Resolved, That the title thereof be as aforesaid.

Mr. Walton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 542. An Act to regulate the liability of common carriers in the carrying of live stock in this State.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In the transportation of live stock in this State by any common carrier, should damage occur to any such stock for which the carrier may be liable, the value of the place and date shall govern the amount of recovery for such damage, and noting in the contract, agreement or bill of lading for the shipment of such freight shall limit the liability of the carrier to a less sum than the actual fair market value of such stock at the place and date of shipment, and any provision in any such contract, agreement or bill of lading so attempting to limit the liability of the carrier shall be of no effect.

§ 2. In the transportation of live stock in this State by any common carrier, should damage occur for which such carrier may be liable, such damage shall be in all cases, collectible from the initial carrier, and the responsibility, either as common carrier or warehouseman of the initial carrier, shall not cease when delivery is made to the next carrier, but the responsibility of the initial carrier to the shipper shall continue until delivery is made to the consignee, and any provision in the contract, agreement or bill of lading to the contrary shall be of no effect. In case of damage to such stock while in the hands of any connecting carrier, such connecting carrier shall be responsible to the initial carrier for any such damage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	J. G. Coke, Jr.	Thomas J. Evans
Jas. W. Barrall	Benj. L. Cox	M. J. Farris, Jr.
Geo. B. Barrett	Geo. T. Davis	W. N. Flippin
J. M. Billeter	James R. Dorman	Vert C. Fraser
Henry C. Blades	John W. Douglas	Ed. Frost
Joseph Boitnott	John Drescher	Frank C. Greene
Elmer L. Brown	H. C. Duffy	C. M. Gum
A. T. Bryson	John C. Duffy	E. V. Hall
C. W. Burton	William Duffy	Elwood Hamilton
Glover H. Cary	Odie Duncan	W. L. Hampton
Ed. F. Cecil	G. P. Durrett	V. D. Hammond

J. B. Harvey	Geo. M. McDowell	Dr. W. R. Ray
H. H. Hays	W. T. McNally	S. M. Saufley
Dr. S. L. Henry	T. T. Mobley	W. A. Shawler
D. H. Hillman	J. R. Mount	Adam Spahn
R.B.Hutchcraft,Jr.	Harry J. Meyers	Ed. D. Stone
J. M. Johnson	John E. Newman	W. T. Stott
T. R. Jones	S. Mazyck O'Brien	Louis Tieman
Griffin Kelly	A. J. Oliver	N. C. Tilford
John H. Klette	A. W. Palmer	M. S. Walton, Jr.
William J. Kuh	Lyman J. Parrigin	W. M. Webb
J. C. Lay	William A. Perry	John F. White
Simon B. Lott	John A. Polin	N. B. White
C. R. Luker	J. D. Pumphrey	J. D. Wills
Dr.J.N.M'Cormack	Richard Radcliffe	Roy S. Wilson

—75

Resolved, That the title thereof be as aforesaid.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 443. An Act to prohibit the setting of steel traps, dead falls, snares or other trap or device on the land of another without permission of owner, and fixing a penalty for the violation thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be unlawful for any person, firm, co-partnership, company or corporation to set or cause to be set on

the land of another person, firm, co-partnership, company or corporation, without the written consent of such owner or owners, any steel trap, dead falls, snares or other trap or device, and the person, firm, co-partnership, company or corporation violating the provisions of this act, shall, in addition to being liable for damages done by his trap or traps, dead fall or dead falls, snare or snares, or other trap or device, to stock, fowls, person or persons and the like, whether by permission of the owner of the land or without his permission, be guilty of a misdemeanor, if done without permission of the owner, and upon conviction shall be fined in any sum not less than ten dollars nor more than one hundred dollars, and each trap, dead fall, snare or other trap or device so set, if permitted to remain, shall constitute a separate offense.

Mr. Luker offered the following amendment to said bill:

Amend line 12 by striking out "ten" and substituting "five" in lieu thereof and by striking out the word "one hundred" and substituting therefor the word "fifty."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	C. M. Gum	A. J. Oliver
Harry Avery	E. V. Hall	A. W. Palmer
Jas. W. Barrall	Elwood Hamilton	Lilburn Phelps
Geo. B. Barrett	W. L. Hampton	John A. Polin
J. M. Billeter	V. D. Hammond	J. D. Pumphrey
Henry C. Blades	H. H. Hays	Richard Radcliffe
Joseph Boitnott	W. E. Henninger	Dr. W. R. Ray
Elmer L. Brown	Dr. S. L. Henry	Stanley F. Reed
C. W. Burton	D. H. Hillman	S. H. Rogers
Glover H. Cary	J. J. Huff	B. T. Rountree
Ed. F. Cecil	R.B.Hutchcraft,Jr.	S. M. Saufley
J. G. Coke, Jr.	T. R. Jones	A. W. Sharp
Geo. T. Davis	John A. Judy	W. A. Shawler
James R. Dorman	John H. Klette	Adam Spahn
John W. Douglas	William J. Kuh	Ed. D. Stone
John Drescher	J. C. Lay	W. T. Stott
H. C. Duffy	C. R. Luker	Louis Tieman
John C. Duffy	Dr.J.N.M'Cormack	N. C. Tilford
William Duffy	Geo. M. McDowell	M. S. Walton, Jr.
G. P. Durrett	W. T. McNally	James T. Webb
Thomas J. Evans	J. R. Mount	W. M. Webb
M. J. Farris, Jr.	Harry J. Meyers	John F White
W. N. Flippin	Zach. L. Myers	N. B. White
Vert C. Fraser	John E. Newman	Roy S. Wilson
Frank C. Greene	S. Mazyck O'Brien	—74

Those voting in the negative were—

Griffin Kelly	T. T. Mobley	J. D. Wills
Simon B. Lott	Lyman J. Parrigin	—5

Resolved, That the title thereof be as aforesaid.

Mr. Greene moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 509. An Act to regulate and publish the collection of special school tax in counties where such taxes are collected.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all county and district trustees of schools, where a special tax is levied and collected annually, shall publish a statement of the amount of the collection of such taxes and the expenditure thereof and for what purposes. They shall publish a statement thereof in a county paper of said county where such taxes are collected, which has the largest circulation, issued in said county outside of cities of the first, second and third class.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Joseph Boitnott	C. W. Burton
J. M. Billeter	Elmer L. Brown	Glover H. Cary

Ed. F. Cecil	J. J. Huff	J. D. Pumphrey
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Richard Radcliffe
Benj. L. Cox	T. R. Jones	Dr. W. R. Ray
Geo. T. Davis	John A. Judy	Stanley F. Reed
John W. Douglas	Griffin Kelly	S. H. Rogers
John Drescher	William J. Kuh	B. T. Rountree
H. C. Duffy	J. C. Lay	S. M. Saufley
John C. Duffy	Simon B. Lott	W. A. Shawler
William Duffy	C. R. Luker	Adam Spahn
G. P. Durrett	Dr.J.N.M'Cormack	Ed. D. Stone
Thomas J. Evans	Geo. M. McDowell	W. T. Stott
M. J. Farris, Jr.	W. T. McNally	Louis Tieman
W. N. Flippin	J. R. Mount	N. C. Tilford
Frank C. Greene	Harry J. Meyers	M. S. Walton, Jr.
E. V. Hall	Zach. L. Myers	James T. Webb
Elwood Hamilton	John E. Newman	W. M. Webb
W. L. Hampton	S. Mazyck O'Brien	John F. White
H. H. Hays	A. J. Oliver	N. B. White
Dr. S. L. Henry	A. W. Palmer	J. D. Wills
D. H. Hillman	Lyman J. Parrigin	Roy S. Wilson

—66

There voted in the negative—

T. T. Mobley —1

Resolved, That the title thereof be as aforesaid.

Mr. Drescher moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 310. An Act permitting proprietors of repair shops to sell articles upon which charges have not been paid.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons, firms and corporations engaged in the business of making repairs or improvements of various articles of personal property, where the value of the article is $5 or less, shall have the right to make sale of same where said article has been in the possession of the person, firm or corporation making such repairs or improvements for the period of thirty days or more; provided, the owner of said article has not paid the reasonable and just charges for making such repairs or improvements. Provided, further, that said person, firm or corporation engaged in the business of making such repairs or improvements shall give the owner thereof written notice at least ten days before such sale.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. Ferris offered the following amendment to said bill:

Amend H. B. 310 by striking out that part of said act beginning with the word "where," in the third line on the second page thereof, to and including the word "sale," in the eleventh line on said page, and inserting in lieu thereof the following: "Shall have a lien on the property so repaired for the amount of the bill for both labor and material furnished in making said repairs, and the person, firm or corporation making said repairs shall have the right to retain possession of the property so repaired until said bill shall have been paid: Provided, That if the bill for the repair of said personal property shall remain unpaid for thirty days the person, firm or corporation making said repairs shall give the owner of said property notice that unless said bill is paid within ten days from the date of said notice said property will be sold for the purpose of paying said bill, and if, at the

expiration of ten days, the bill shall not have been paid by the person who made said repairs, the person making said repairs shall sell the same at public auction, or enough thereof to pay said bill. If said property is not susceptible of division, then he shall sell all of said property, and after paying the bill for said repairs he shall pay the remainder of the price said property sold for to the owner of said property."

Said amendment was agreed to.

Ordered that said bill be read the third time.

Mr. Spahn moved the previous question.

Said motion was agreed to.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Benj. L. Cox	Ed. Frost
J. M. Billeter	James R. Dorman	Frank C. Greene
Henry C. Blades	John W. Douglas	E. V. Hall
Joseph Boitnott	John Drescher	Elwood Hamilton
Elmer L. Brown	H. C. Duffy	W. L. Hampton
A. T. Bryson	John C. Duffy	V. D. Hammond
C. W. Burton	William Duffy	H. H. Hays
Glover H. Cary	G. P. Durrett	Dr. S. L. Henry
Ed. F. Cecil	M. J. Farris, Jr.	D. H. Hillman
J. G. Coke, Jr.	Vert C. Fraser	R.B.Hutchcraft,Jr.

J. M. Johnson	A. J. Oliver	L. M. Smith
T. R. Jones	A. W. Palmer	Adam Spahn
John A. Judy	Lyman J. Parrigin	Ed. D. Stone
John H. Klette	William A. Perry	W. T. Stott
William J. Kuh	John A. Polin	Louis Tieman
C. R. Luker	J. D. Pumphrey	N. C. Tilford
Dr. J. N. M'Cormack	Richard Radcliffe	M. S. Walton, Jr.
Geo. M. McDowell	Dr. W. R. Ray	James T. Webb
W. T. McNally	Stanley F. Reed	W. M. Webb
J. R. Mount	S. H. Rogers	John F. White
Zach. L. Myers	B. T. Rountree	Roy S. Wilson
John E. Newman	S. M. Saufley	
S. Mazyck O'Brien	W. A. Shawler	—67

Those voting in the negative were—

Thomas J. Evans	Simon B. Lott	J. D. Wills
C. M. Gum	T. T. Mobley	—5

Resolved, That the title thereof be as aforesaid.

Mr. Farris moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 345. An Act providing for the licensing of local fire insurance agents in Kentucky, prescribing certain qualifications that agents must possess before eligible to being licensed and conditions upon which such license may be granted; creating and defining the powers and duties of a Board of Examiners for the purpose of carrying out the provisions of this act, and prescribing a penalty for its violation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons who may hereafter be licensed, under the provisions of this act, as agents for fire insurance companies doing business in this State, shall pay a license fee at the time they are licensed, and annually thereafter, the sum of ten ($10) dollars. Said license fee shall be paid by the person licensed, and no insurance company shall in any manner, directly or indirectly, pay said license fee, or reimburse any agent for any payment which may have been made therefor. Said license fee shall be collected by the Board of Examiners and paid by said Board into the Treasury of Kentucky, to be credited to the Fire Tax Fund and used by the Fire Marshal of Kentucky as directed by law for the administration of his office.

§ 2. Before the Insurance Commissioner shall issue a license to any person to act as agent for a fire insurance company doing business in this State, the applicant for license must present to the Insurance Commissioner a certificate from the Board of Fire Insurance Examiners, as hereafter provided for in this act, showing that such applicant has come within the terms provided as conditions upon which a license may be granted. Said applicant for license shall also present to the Insurance Commissioner a statement under oath or affirmation, wherein shall be stated the territory in which such applicant intends to conduct as agent the business of fire insurance, and the applicants shall also in said statements pledge that they will in no case collect from the assured a less sum than the premium stated in the policy, except commission or brokerage legally allowed to other fire insurance agents or brokers, said premium being in conformity to any legally prescribed rate.

§ 3. In granting renewal license to agents who have previously qualified under this act, the Insurance Commis-

sioner shall require, as a condition precedent to the granting of such renewal license, that the applicant shall file an affidavit under oath or affirmation, setting forth the names of all companies which have been represented by said applicant during the year or portion of year for which the expiring license was issued, and if any of the companies so listed have withdrawn from the agency, it shall be so stated, and to the best of the knowledge and belief of applicant, the reason or reasons for such withdrawals shall also be stated; and shall further state whether they have been guilty of violating any of the insurance laws of the State; whether they have wilfully and knowingly over-insured any property; whether they owe to any fire insurance company any overdue balance for premiums; whether they have carefully inspected every risk upon which they have written or placed insurance; whether they have insured any property in which there was, to their knowledge, an apparent physical fire hazard, disclosed by said investigation or brought to their knowledge or attention by another; and whether they have interferred with the Fire Marshal or his deputies in the performance of their duties, and whether they have failed in any case to collect the full premium shown in the policy.

§ 4. Upon the presentation of said certificate from the Board of Fire Examiners, and, in the case of renewal licenses, upon presentation also of the affidavit prescribed in Section 3, and the payment of the fee provided for in Section 1 of this act, it shall be the duty of the Insurance Commissioner to issue license as provided for herein and in Sections 633 and 761 of Kentucky Statutes.

§ 5. For the purpose of passing upon applications for licenses as fire insurance agents, there is hereby created a board of three members to be known as the board of Fire Insurance Examiners, of which Board the Chairman of the State Insurance Board and the State Fire Marshal shall constitute, ex-officio, two members, and the third member, who shall be a citizen of the State of Kentucky and shall have

been continuously engaged in the fire insurance business for five years or more preceding his appointment, shall be appointed by the two members named, and shall serve at their pleasure. Each of the members of said Board shall receive an annual salary of six hundred dollars ($600), payable monthly, and each member except the Fire Marshal shall be allowed a mileage expense of five cents a mile for traveling done in the course of performance of their duties; such salary and mileage to be payable out of the Fire Tax Fund upon warrant of the Auditor issued on vouchers approved by all members of said Board.

§ 6. The Chairman of the State Insurance Board shall act as Chairman and the Fire Marshal shall act as secretary of the Board of Examiners. The Board shall meet at least once a year, and oftener if necessary, in the discretion of a majority of the Board, upon call of the Chairman ten days before the meeting is to be held. The Secretary shall keep the records of the Board, and shall have the clerical work of the Board performed by the office force in the Insurance Department, and the secretary shall make an annual report upon the proceedings of said Board to the Insurance Commissioner and the said Commissioner shall embrace same in his annual report.

§ 7. It shall be the duty of said Board of Fire Insurance Examiners:

(a) To grant certificates to all applicants for licenses who shall satisfactorily pass an examination as to their qualifications for the fire insurance business. Said examination shall pertain to the provisions of the fire insurance policy contract; the application of the clauses commonly used in such policies; the elements which enter into and determine the fire hazard of property; the elements which enter into the making of rates of fire insurance; the applications of rate tariffs and schedules to specific risks; the values of buildings and stocks of merchandise and other personal property, and the depreciation thereon; the elements entering into the

moral hazard; the responsibility of an insurance agent to the public and to the companies; and the insurance laws of the State. The examination prescribed under this act shall be made by a uniform series of questions prepared by the said Board and changed from time to time at their discretion, and furnished to applicants for examination and license. Such examination shall be conducted by requiring the applicant to answer the questions in his own handwriting, and applicants shall subscribe same under oath that the answers are their own, made from their own knowledge and understanding, and not dictated by some other person. The entire Board shall pass upon the merits of the examination so made, and a certificate shall be issued upon ascertaining that the applicant for license is eligible under the terms of this act.

(b) The Board shall prepare and furnish to all applicants the necessary blanks upon which to complete the examination and affidavit as provided for in this act.

(c) The Board shall keep a record of their proceedings, and a list of names of all persons taking examinations or making application for same, with the result thereof.

§ 8. Before said Board shall permit any applicant to take the examination, such applicant must present to the Board the affidavits of five taxpayers residing within the territory within which such applicant desires to engage in the business of fire insurance, wherein it shall be stated under oath or affirmation that the applicant is a person of good moral character; and in the opinion of affiant is a person of sufficient business experience to be competent to perform the duties of an insurance agent; and that they believe such person will give to the insurance business sufficient time and attention to properly discharge the obligations assumed; and that the affiant verily believes that the premiums of the presons for whom the said applicant may write insurance, and the money of the company or companies for which applicant may act as agent, will be safe in hands of said applicant.

§ 9. The Insurance Commissioner shall refuse to issue

renewal of license to any agent engaged in the fire insurance business who shall have, during the term of previous license, violated any of the insurance laws of the State or the affidavit given upon procuring original license; or who shall have wilfully and knowingly over-insured any property; or who shall have written insurance upon property containing a fire hazard the maintenance of which is prohibited by law or ordinance, which is apparent upon a careful inspection of the insured premises; or who shall have failed to inspect every piece of property upon which said applicant has written or placed insurance; or who is in arrears for premiums due any company; or who has interfered with the Fire Marshal or his deputies in the performance of their duties.

§ 10. The Board shall hear complaints as to why licenses and renewal licenses should not be granted. Such complaints shall be treated as private records by the said Board, and such complaints shall be investigated by the said Board before license is granted, if made within a reasonable time.

§ 11. If during the year for which an agent is licensed, the agency shall be revoked by any company for which such agent is licensed, said company shall immediately inform the Insurance Commissioner in writing of such discontinuation of said agency, and said company shall also furnish to the Insurance Commissioner a statement in writing of all matters which caused or contributed to such discontinuation of any agency, which statement when received by the Insurance Commissioner shall be attached to the application of said agent so discontinued, and retained by the Insurance Commissioner as part of the files of his office, and such matters shall be brought to the attention of the Board of Fire Insurance Examiners and passed on by said Board, in considering renewal of license of said agent by any company.

§ 12. Any person violating any of the provisions of this Act shall be subject to a fine of not more than five hundred ($500.00) dollars for each offense.

Mr. Cary moved the previous question.

Said motion was agreed to.

Mr. Mount moved that said bill be tabled.

Said motion was disagreed to.

Mr. Hutchcraft moved that the vote by which the previous question was ordered be reconsidered.

Said motion was agreed to.

Mr. Hutchcraft offered the following amendment to said bill:

Amend H. B. 345 by striking out the words "two members named," in lines 8 and 9 of Section 5, and inserting in lieu thereof the word "Governor," and by striking out the the word "them," in line 9 of said section, and inserting in lieu thereof the word "his."

Said amendment was agreed to.

Mr. Hutchcraft offered the following amendment to said bill:

Amend H. B. 345 by adding the following additional section: "Nothing in this Act shall apply to the agents of a mutual co-operative or assessment company or reciprocal or inter-insurance exchange."

Said amendment was agreed to.

Mr. Cary moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and rejected.

The yeas and nays being taken on the rejection of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Elmer L. Brown	John H. Klette	Richard Radcliffe
Glover H. Cary	William J. Kuh	Stanley F. Reed
James R. Dorman	Dr.J.N.M'Cormack	S. M. Saufley
John W. Douglas	W. T. McNally	W. A. Shawler
John C. Duffy	John G. Miller, Jr.	Adam Spahn
G. P. Durrett	William A. Perry	Louis Tieman
Frank C. Greene	John A. Polin	Roy S. Wilson
Dr. S. L. Henry	W. A. Price	
R.B.Hutchcraft,Jr.	J. D. Pumphrey	—25

Those who voted in the negative were—

Harry Avery	Elwood Hamilton	Geo. M. McDowell
Joseph Boitnott	W. L. Hampton	T. T. Mobley
C. W. Burton	V. D. Hammond	J. R. Mount
Ed. F. Cecil	H. H. Hays	Zach. L. Myers
Benj. L. Cox	W. E. Henninger	John E. Newman
John Drescher	D. H. Hillman	S. Mazyck O'Brien
H. C. Duffy	J. J. Huff	A. J. Oliver
William Duffy	J. M. Johnson	A. W. Palmer
Vert C. Fraser	T. R. Jones	Lyman J. Parrigin
Ed. Frost	Griffin Kelly	Lilburn Phelps
C. M. Gum	J. C. Lay	Dr. W. R. Ray
E. V. Hall	C. R. Luker	S. H. Rogers

B. T. Rountree	N. C. Tilford	John F. White
L. M. Smith	M. S. Walton, Jr.	J. D. Wills
Ed. D. Stone	James T. Webb	
W. T. Stott	W. M. Webb	—46

The House took up for consideration from the orders of the day a bill entitled:

H. B. 533. An Act to amend Chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled "An Act to provide for the organization, armament, equipment, discipline and government of the militia."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act entitled "An Act to provide for the organization, armament, equipment, discipline, and government of the militia, and amending Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 Edition, being an act of March 13th, 1893, entitled 'An Act concerning the militia of the Commonwealth of Kentucky,' and amendatory acts thereto," be, and the same is, hereby amended, extended, and re-enacted, as follows:

§ 2. Section entitled "Code," on page 601; said section shall be, and is hereby repealed, and in lieu thereof it is enacted that said section shall be in words and read as follows, to-wit:

Code. The system of organization, armament, discipline, and government of the militia shall be prescribed, from time to time, in a code of regulations to be promulgated by the Governor, but the same shall, at all times, conform as nearly as practicable to that of corresponding forces in the United States Army, subject at all times to the laws and regu-

lations of the United States governing the organized militia, and, in time of peace, to such general exceptions as may be authorized by the Secretary of War.

§ 3. Section entitled "The Adjutant General's Office," on page 601; strike out the words "and Chief of Staff," in line four; strike out the words "Ordinance Department" in line six; and substitute therefor the words "Quartermaster Corps," so that said section, when amended, shall read as follows:

The Adjutant General's Office. The personnel of the Adjutant General's office shall consist of one brigadier general, who shall be the Adjutant General; one colonel of the Adjutant General's Department; one captain of the Quartermaster Corps, who shall be the Arsenal Superintendent; all of whom shall be appointed by the Governor; and such officers as may be necessary, who shall be detailed by the Adjutant General from the Kentucky National Guard; and such stenographers and other assistants as may be necessary, to be employed by the Adjutant General. The Adjutant General, the Colonel in the Adjutant General's Department, and the Arsenal Superintendent shall hold office for a term of four years, or at the pleasure of the Governor.

§ 4. Section entitled "Duties of the Adjutant General," on pages 601 and 602; add to this section the following words: "The Adjutant General shall prepare and submit to the Governor, for the biennial period ending on October 31st of each odd numbered year a detailed, printed, indexed, and bound report of the operations and conditions of the Adjutant General's office, the State Arsenal, and the militia; and which shall contain a complete statement of all funds, both State and United States, showing the appropriations and allotments thereof, and setting forth in detail all receipts from whatsoever source, and all expenditures of whatsoever nature, and the unexpended balances thereof. One copy of said report shall be furnished to each commissioned officer of the active list of the Kentucky National Guard, and the Adju-

tant General of each of the several States." So that said section, when amended, shall read as follows:

Duties of the Adjutant General. The Adjutant General shall perform such duties as are prescribed by law, and such other military duties, consistent with the regulations and customs of the United States Army, as may be required by the Governor. The Adjutant General is charged with the duty of supervising all troops of the line, and all departments, arms, and branches of the Kentucky National Guard. Such supervisory power covers, primarily, duties pertaining to the command, discipline, training and recruitment of the militia, military operations, distribution of troops, inspections, armament, military education and instruction, and kindred matters connected with fiscal administration and supplies. The Adjutant General shall, from time to time, prepare and publish, by the order of the Governor, such orders and regulations, consistent with law, as are necessary to bring the organization, armament, equipment and discipline of the Kentucky National Guard to a state of efficiency as nearly as possible approaching that of the United States Army. The Adjutant General shall also prepare returns to the Secretary of War at such times, and in such form, as the Secretary of War shall prescribe, of the strength of the militia, and such reports as may, from time to time, be required by the Secretary of War. The Adjutant General shall prepare and submit to the Governor, for the biennial period ending on October 31st of each odd numbered year, a detailed, printed, indexed, and bound report of the operations and condition of the Adjutant General's office, the State Arsenal, and the militia; and which shall contain a complete statement of all funds, both State and United States, showing the appropriations and allotments thereof, and setting forth in detail all receipts from whatsoever source, and all expenditures of whatsoever nature, and the unexpended balances thereof. One copy of said report shall be furnished to each commissioned officer of the active list of the Kentucky National

Guard, and the Adjutant General of each of the several States.

§ 5. Section entitled "Organization of the Kentucky National Guard" on pages 605 and 606; strike out the words "chief of staff" in line six; strike out the words "quartermaster's department" in line nine, and substitute therefor the words "quartermaster corps;" strike out the words "a subsistence department" in lines nine and ten; strike out the words "a pay department" in lines ten and eleven; strike out the words "provided by the laws of the State of Kentucky, as" in lines fourteen and fifteen; so that said section, when amended, shall read as follows:

Organization of the Kentucky National Guard. The Kentucky National Guard shall consist of the General officers commanding the divisions and brigades, where such units are organized; the staff corps and departments necessary to provide staff officers and enlisted men, viz., an adjutant general's department, and inspector general's department, a judge advocate general's department, a quartermaster corps, a medical department, a corps of engineers, an ordinance department, a signal corps, and such bodies of infantry, field artillery, cavalry, and other arms of the service as may be prescribed by the Governor in orders.

§ 6. Section entitled "Staff Corps and Departments," on page 606; strike out the word "hereinafter" in line four, and substitute therefor the word "hereinbefore," so that said section, when amended, shall read as follows:

Staff Corps and Departments. Officers of the staff corps and departments shall be appointed from the Kentucky National Guard by the Governor, and, except as hereinbefore provided, shall hold office for a term of three years, or at the will and pleasure of the Governor.

§ 7. Section entitled "Term of office—Date of Rank," on page 608; strike out the word "hereinafter" in line two, and substitute therefor the word "hereinbefore," so that said section, when amended, shall read as follows:

Term of Office—Date of Rank. Except as hereinbefore

provided, all officers shall be appointed, or elected, for a period of three years, and, in the event of reappointment, or re-election, in the same grade, an officer's rank shall date from the original date of appointment or election.

§ 8. Section entitled "Military Fund—What Constitutes—Disbursement of" following said section, a new section is hereby enacted, and shall be in words and read as follows:

Office Supplies—Arsenal Supplies. The cost of blank books, postage, stationery, office supplies, and telephone and telegraph service for the use of the adjutant General's office; and the cost of fuel, water, artificial light, and minor repairs for the State Arsenal, shall, when certified by the Adjutant General and approved by the Governor, be paid on warrants of the Auditor of Public Accounts, by the Treasurer from funds in the Treasury not otherwise appropriated.

§ 9. Section entitled, "Salaries—How Paid," on page 618; strike out the words, "the captain in the Ordinance Department" in line eight, and substitute therefor the words, "the Arsenal Superintendent," so that said section, when amended, shall read as follows:

Salaries—How Paid. The Adjutant General shall receive an annual salary of two thousand dollars to be paid in monthly installments, out of the Treasury from the General Fund; the colonel in the Adjutant General's Department shall receive an annual salary of fifteen hundred dollars, to be paid in like manner as the salary of the Adjutant General; the Arsenal Superintendent shall receive an annual salary of six hundred dollars, to be paid in like manner as the salary of the Adjutnat General; and in addition to said salary of six hundred dollars per year he shall be paid four hundred dollars in equal monthly installments, out of the State Military Fund. Compensation of other officers and employes in the Adjutant General's Office, when on duty, shall be fixed by the Adjutant General and the Governor, and paid out of the State Military Fund, and shall not be a charge against the General Fund of the State.

§ 10. Section entitled, "Active Service Pay—How Paid," on page 618; preceding the words, "Officers and enlisted men" in lines one and two, insert the words, "Except when in the service of the United States," so that this section when amended, shall read as follows:

Active Service Pay—How Paid. Except when in the service of the United States, officers and enlisted men, when employed in active service, as defined and as provided in this act, beginning with the day they assemble at their armories, or other designated place, until the day they have returned thereto and been properly relieved, inclusive, fractional parts of a day counting a full day, a day beginning immediately after midnight and ending the following midnight; shall receive pay and allowances at the following daily rates: Officers —Major General twelve dollars; Brigadier General, ten dollars; Colonel, eight dollars; Lieutenant-Colonel, seven dollars; Major, six dollars; Captain, five dollars; First Lieutenant, four dollars and fifty cents; Second Lieutenant, four dollars; and in addition, the cost of hire or rental of quarters, and the cost of hire of one horse and one forage ration when required to be mounted; officers shall provide their own subsistence. Enlisted Men—Chief Musician, three dollars; Regimental Sergeant Major, Regimental Quartermaster Sergeant, Regimental Commissary Sergeant, First Sergeant, and principal Musician, two dollars and fifty cents; Battalion Sergeant Major; Color Sergeant, and Drum Major, two dollars and twenty-five cents; Company Quartermaster Sergeant, Sergeant First Class, Sergeant and Cook, two dollars; Corporal and Artificer, one dollar and seventy-five cents; Musician, Private, first class, and Privates, one dollar and fifty cents. Each enlisted man shall be entitled to one ration per day, or one commutation of same at actual cost of subsistence not exceeding seventy-five cents per day. The pay and allowances authorized by this section shall be paid out of the Treasury on warrant of the Auditor of Public Accounts, upon organization payrolls, or vouchers for individuals, as may be

required, accompanied by copies of the orders authorizing the service; approved payrolls and vouchers shall be certified by the Adjutant General and approved by the Governor by their own signatures.

§ 11. Section entitled, "Company Allowance," on page 620; said section shall be, and is, hereby repealed; and, in lieu thereof, it is enacted that said section shall be in words and read as follows, to-wit:

Company Allotment. On and after the first day of July, 1914, each company and equivalent unit shall be allotted, semi-annually, on the first lay of January and July of each year, the sum of eighty-five dollars from the State Military Fund, for payment of the services of an armorer, and for expenses incidental to transporting, preserving, cleaning, and repairing articles of public military property; Provided, that no payment or payments to an armorer for personal services shall exceed eight dollars for one month; payment to be made at the end of each semi-annual period on vouchers certified by the company or detachment commander. All other vouchers for services and supplies shall be properly itemized, certified, and presented to the Adjutant General, for audit and settlement, immediately after the end of the month in which the service was performed or supplies were purchased; Provided, that the money value of any public property which has been surveyed and disallowed by the Secretary of War or the Adjutant General, and not paid by the responsible officer or his surety, within thirty days after notice of such disallowance, shall be charged against said company allotment, or subsequent allotment, and dedcted therefrom until such allowance has been settled. Any unexpended balance remaining to the credit of an organization, at the end of a fiscal year, shall revert to the State Military Fund.

§ 12. Section entitled, "Allowance for Armorer," on page 620; said section shall be, and is, hereby repealel.

§ 13. Section entitled, "Bonds," on page 621; add to this section the following words, "The Adjutant General shall

obtain a surety company bond, or bonds, running to the State of Kentucky, covering such officers as may be designated to be bonded, and the premium, or premiums, on said bond, or bonds, shall be paid from the State Military Fund," so that said section, when amended, shall read as follows:

Bonds. Such officers as may be designated by the Governor, shall execute proper bond to the State of Kentucky, in such sum as the Governor may prescribe, and no officer shall be relieved of any bond he may have executed, nor shall his sureties be relieved, nor shall his estate be affected in any way, by resignation, discharge, change in official position, or death, until final settlement of all of his accounts has been made and a certificate of such settlement issued by the Adjutant General. The Adjutant General shall obtain a surety company bond, or bonds, running to the State of Kentucky, covering such officers as may be designated to be bonded, and the premium, or premiums, on said bond, or bonds, shall be paid from the State Military Fund.

§ 14. Section entitled, "Reporter," on page 628; said section shall be, and is, hereby repealed; and, in lieu thereof, it is enacted that said section shall be in words and read as follows, to-wit:

Reporter. The employment of a stenographer-reporter may be authorized by the convening authority for all general court-martials. When a reporter is so employed, he shall be paid from the State Military Fund, on a voucher certified by the judge advocate of the court at such rate as may have been agreed upon by the judge advocate and the stenographer-reporter and approved by the convening authority.

§ 15. Section entitled, "Interpreters," on page 629; said section shall be, and is, hereby repealed; and in lieu thereof, it is enacted that said section shall be in words and read as follows, to-wit:

Interpreter. The employment of an interpreter may be authorized by the convening authority for all general courts-martial. When an interpreter is so employed, he shall be paid

from the State Military fund, on a voucher certified by the judge advocate of the court at such rate as may have been agreed upon by the judge advocate and the interpreter and approved by the convening authority.

§ 16. Section entitled, "Extra Pay Not Allowed Persons in the Military Service," on page 629; said section shall be, and is hereby repealed.

§ 17. Section entitled, "Witnesses Other Than Those Belonging to the National Guard," on page 629; said section shall be, and is, hereby repealed; and, in lieu thereof, it is enacted that said section shall be in words and read as follows, to-wit:

Witnesses—Pay and Allowances. Witnesses summoned, and who appear before a general courts-martial, shall receive the same pay and allowances as a witness is entitled to, who appears before a criminal court of the State.

§ 18. Section entitled, "Witnesses Refusing to Appear," on page 629; strike out the words, "other than one belonging to the National Guard of the State," in lines two and three; so that said Section, when amended, shall read as follows:

Witnesses Refusing to Appear. In case a witness, who has been duly subpoenaed to appear as a witness, or testify, or produce documentary evidence before a general court-martial, refuses to appear, he shall subject himself to the same fines and penalties as one failing to appear before a Circuit Court of the State.

§ 19. Section entitled, "Powers," on page 632; strike out the words, "the Governor," in lines twenty-one and twenty-two, and substituting therefor the words, "The Adjutant General;" strike out the words, "approval by the Governor" in line twenty-two, and substitute therefor the words, "order of the Governor;" so that said section, when amended, shall read as follows:

Powers. A summary court shall have power to administer oaths, hear and determine cases, and when satisfied of

the guilt of the accused party, to judge the punishment to be inflicted for the following offenses: Disobedience of orders, violations of the laws, rules, and regulations governing the Kentucky National Guard, absence from drills, instruction, encampments, or other duties; loss or destruction or damaging of uniforms or equipments; for desertion and for conduct to the prejudice of good order and military discipline. Such courts shall have power to inflict the following punishments: Fine, forfeiture to pay, reduction to ranks, and confinement. Provided, however, that no fine, or forfeiture to pay, shall exceed the sum of fifteen dollars, and no period of confinement shall exceed a period of fifteen days. A summary court, as soon as the trial is concluded, shall record its findings and sentences, and submit the same to the officer appointing the court, who shall, upon his approval of the same, forward same with his approval to the Adjutant General, and upon order of the Governor, same shall be carried into force and effect; Provided, however, that at or during encampments, or when on active duty, or on active service, the convening authority shall have power to approve and carry into effect all sentences of summary courts relating to fines, forfeitures, and confinements, and that the confinement shall be in the guard tent, or guard house, of such regiment, battalion, company or detachment.

§ 20. Section entitled, "Collection of Fines," on page 634; strike out the words, "or the United States," in lines four and five; so that said Section, when amended, shall read as follows:

Collection of Fines. All fines and penalties laid and found by general court-martial, or summary courts, shall be collectible from pay and allowances due persons so convicted, from the State; and in case it is found that the person so convicted has not to his credit sufficient funds to meet such fines and forfeitures, they shall be collectible in the same manner and by the same means as fines assessed in any other misdemeanor case by county judge or magistrates. All fines

collected on account of trial by court-martial and summary courts shall revert to, and be paid into, the Treasury of the State, and be credited to the Military fund.

§ 21. Section entitled, "Civil Officers Have Authority," on page 636; said section shall be, and is, hereby repealed; and, in lieu thereof, it is enacted that said section shall be in words and read as follows, to-wit:

Civil Officers Have No Power. Civil officers shall have no power to order into active service, the Kentucky National Guard, or any part thereof, except on being authorized by the Governor, and the Governor shall specify the organization, or number of officers and enlisted men to be employed. Orders from civil officers to the commanding officer of the militia, shall be in writing, quoting their authority, and a copy of same shall be immediately forwarded to the Governor for confirmation. Troops shall not be relieved from active service except on order of the Governor. Any law in conflict herewith, and especially section 379 of the Criminal Code, is hereby repealed."

§ 22. Section entitled, "Civil Officers Have Authority," on page 636; following said section as re-enacted, a new section is hereby enacted, and shall be in words and read as follows:

United States Service. Whenever the President of the United States shall issue his orders to the proper officer, or officers, of the Kentucky National Guard, through the Governor for the mobilization of any part, or all, of the Kentucky National Guard, for Federal service such organization, or organizations, of the Kentucky National Guard as may be sufficient to comply with the orders of the President of the United States, shall be mobilized at such place or places, as required by said orders. Immediately upon the mobilization of said forces for United States service, the Governor shall muster into the State service, such additional forces as may be required for the State and United States service, for a reserve force. Said reserve force, if in the service of the

State when corresponding forces of the Kentucky National Guard have been relieved from the United States service, shall be mustered out of the service, and the original organizations of the Kentucky National Guard shall resume their former designation and status of the organized militia of the State.

§ 23. Section entitled, "Armories—How Provided," on page 642; said section shall be, and is, hereby repealed; and in lieu thereof, it is enacted that said section shall be in words and read as follows, to-wit:

Armories—How Provided. Where militia organizations have been, or may hereafter be, organized in any county of this State, the fiscal court, or corresponding body, of said county, shall provide and maintain at the cost of the county, an armory, which shall consist of a suitable hall for assembly and drill, and other exercise; and suitable rooms annexed thereto for the meetings of the command, or commands, for administrative work and for the storage, preservation and safe-keeping of public property; and which shall be at all times accessible to the local commanding officer of the militia, and to those who may be authorized by him, said Fiscal Court, or corresponding body, shall provide and maintain at the cost of the county for, every such armory, the necessary heating apparatus, fuel, improved modern lights for illumination, water, plumbing, telephone service and repairs; and it shall be the duty of the Attorney General to institute proceedings against any county that fails to provide and maintain an armory as provided in this section. The Adjutant General shall be the sole judge as to deciding on the fulfillment of the requirements of this section, and his decision shall be final.

§ 24. Section entitled, "Fiscal Court to Provide," on page 643; said section shall be, and is, hereby repealed.

§ 25. Section entitled, "Armory Rental—Allowances," on page 644; said section shall be, and is, hereby repealed.

§ 26. Section entitled, "Flags—Mexican, Civil and

Spanish American War," on page 649; said section shall be, and is, hereby repealed.

§ 27. All Act and parts of Acts inconsistent with this Act, shall be, and are, hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	V. D. Hammond	Lyman J. Parrigin
Harry Avery	H. H. Hays	William A. Perry
Geo. B. Barrett	Dr. S. L. Henry	John A. Polin
Henry C. Blades	D. H. Hillman	W. A. Price
Joseph Boitnott	J. J. Huff	J. D. Pumphrey
Elmer L. Brown	R.B.Hutchcraft, Jr.	Richard Radcliffe
A. T. Bryson	J. M. Johnson	Stanley F. Reed
Ed. F. Cecil	T. R. Jones	S. H. Rogers
Geo. T. Davis	John A. Judy	B. T. [illegible]tree
James R. Dorman	John H. Klette	S. M. Saufley
John W. Douglas	William J. Kuh	W. A. Sh[illegible]wler
John Drescher	J. C. Lay	L. M. Smith
H. C. Duffy	Simon B. Lott	Adam Spahn
John C. Duffy	C. R. Luker	Louis Tieman
William Duffy	Geo. M. McDowell	N. C. Tilford
Thomas J. Evans	W. T. McNally	M. S. Walton, Jr.
M. J. Farris, Jr.	Zach. L. Myers	James T. Webb
Ed. Frost	John E. Newman	John F. White
Frank C. Greene	S. Mazyck O'Brien	
Elwood Hamilton	A. J. Oliver	—58

Those voting in the negative were—

Benj. L. Cox	J. R. Mount	W. T. Stott	
W. L. Hampton	Dr. W. R. Ray	J. D. Wills	
T. T. Mobley	Ed. D. Stone		—8

Resolved, That the title thereof be as aforesaid.

Mr. Walton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 410. An Act providing for the expression of the popular will for party nominations of President and the Vice President of the United States; providing for the nomination of presidential electors, election of delegates and alternates to the National Conventions, and the election of National Committeemen therefor, and amending Section 3 of Chapter 7 of an Act of the General Assembly of 1912, entitled "An Act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections, and providing penalties for the violation thereof, in so far as it relates to the holding of primary elections in the years when Presidents and Vice Presidents are elected."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Presidential Preference Primary Elections to be Held on the Second Saturday in May.—In the years when the

President and Vice-President of the United States are to be elected, there shall be held on the second Saturday in May of said year, a primary election for the purpose of allowing popular expression for party nominations for President and Vice President for nomination of Presidential electors, and for the election of delegates and alternates to the National Conventions of each political party; Provided that in each year when such election is so held for the purposes above named, the primary election provided for by Section 3 of Chapter 7 of the Acts of 1912, shall be held on said second Saturday in May instead of being held as provided in said Act.

§ 2. How Conducted and How the Votes are to be Canvassed.—Except as herein otherwise provided, such election shall be called, held and conducted and the results thereof be canvassed and returned in the same manner as is now provided by Chapter 7 of the Acts of 1912, and any amendments thereto, and the provisions of Chapter 7 of the Acts of 1912 relative to primary elections, in so far as they provide for special registrations, shall apply to elections held in presidential years as to the time and manner of special registration prior to the date on which the election is held; and provided, that nothing contained in this Act shall alter, amend or change anything contained in Chapter 7 of the Acts of 1912 relating to primaries except as specifically set out herein.

§ 3. How Voted in State and Districts.—The presidential electors to which the State of Kentucky is entitled, as provided now by law, and by the Constitution of the United States, and the delegates at large and district delegates to which the State of Kentucky is entitled, as fixed by the rules of the National Committee of the political party with which the candidates are affiliated, shall be voted upon as provided in this law throughout the entire State.

The delegates from each Congressional district in the State, as fixed by the rules of the National Committee, of the

political party with which the candidates or delegates are affiliated, shall be voted for in such district.

§ 4. Names of Candidates to be placed on Ballots.—The names of candidates for President and Vice President of any political party having a constituted authority for its government and regulation, and which, at the last preceding election at which presidential electors were voted for, cast at least twenty per cent of the total vote cast at said election in this State, shall have their names placed on the ballots as hereinafter provided.

Any person eligible and desirous of having his name placed on the ballot as a candidate for the presidential elector or delegate shall, within the time and in the same manner as provided by Chapter 7 of the Acts of 1912, or amendments thereto, have his name placed on said ballot.

In addition to the requirements set out in Chapter 7 of the Acts of 1912, or any amendments thereto, the candidate shall make a written declaration to the officer with whom his petition or declaration is filed, set out the name of the candidates for President and Vice President for whom he will cast his vote if elected as elector or delegate or alternate, and it shall then be the duty of the clerk to so arrange the ballot so that the names of the candidates for electors and delegates and alternates shall be placed in the same column, and under the names of the candidates for President and Vice President for whom they have declared.

§ 5. Voter to Vote for Delegates from State and Congressional Districts.—Every qualified elector shall have the right at such presidential primary election to vote for the number of candidates for national delegates, for delegates for the State at large, as are fixed by the rules of the National Committee, of the political party with which such voter and candidate for delegates are affiliated, and for the nomination of candidates for presidential electors, to which the State of Kentucky is entitled, as provided by law and by the Constitution of the United States.

§ 6. To Declare Party Affiliation.—Before receiving any ballot at the election provided for herein, each elector must declare the name of the party with which he has affiliated and supported, and upon request of any officer of election, he may be required to answer any questions touching his affiliation with the party, and his support thereof, in the same manner and under the same penalties as provided by Chapter 7 of the Acts of 1912, or any amendments thereto.

§ 7. Delegates and Alternates in the Election of Delegates to Party Conventions.—The persons having the largest number of votes shall be declared to be elected delegates and the persons receiving the next highest number of votes shall be declared elected alternates; Provided, That the alternates shall cast their votes in the same manner and for the same persons for whom the delegates thus declared to have been elected cast their votes.

§ 8. Duties of Secretary of State and County Clerks.—The Secretary of State shall certify to the County Clerks of the several counties in the State, the names of all persons to be voted for within such county who have properly qualified for candidates for presidential electors, delegates, President and Vice President of the United States, as now provided by law, and the county clerk shall prepare for use in their respective counties, the primary election ballot for such election, as nearly as practicable in conformity with the provisions of law relating to primary elections contained in Chapter 7, of the Acts of 1912, and said ballot shall be so prepared as to permit an expression of the voter voting the same upon each of the candidates for all of the positions provided for in this Act, including the office of President and Vice President. The names of the candidates for President and Vice President shall appear at the top of the ballot and immediately thereunder the list of delegates and electors who have declared for such candidate for President and Vice President, and the candidate for President and Vice President receiving the highest number of votes of his party voters shall be

decided to be the choice of such party for the office of President and Vice President of the United States, and the delegates of such political party shall, to the best of their judgment and ability, faithfully carry out the wishes and preferences of the voters of the political party with which he is affiliated, as expressed in the primary election.

§ 10. National Committeemen.—Delegates and alternates of each political party who shall be chosen at the primary election held under this Act, shall meet together as soon as practicable, after the nomination of the party candidates for President and Vice President of the United States, and shall choose a duly qualified member of their party, being then a citizen and elector of the State of Kentucky, to serve for a term of four years as National Committeemen.

§ 11. This Act shall take effect and be in force from and after its passage.

Mr. Saufley offered the following amendment to said bill:

Amend by striking out Section 11.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Henry C. Blades	Elmer L. Brown
Geo. B. Barrett	Joseph Boitnott	A. T. Bryson

C. W. Burton	Dr. S. L. Henry	S. Mazyck O'Brien
Glover H. Cary	D. H. Hillman	John A. Polin
Ed. F. Cecil	R.B.Hutchcraft,Jr.	Richard Radcliffe
Geo. T. Davis	J. M. Johnson	Dr. W. R. Ray
John W. Douglas	T. R. Jones	Stanley F. Reed
William Duffy	John A. Judy	S. M. Saufley
G. P. Durrett	John H. Klette	L. M. Smith
M. J. Farris, Jr.	William J. Kuh	Adam Spahn
Vert C. Fraser	J. C. Lay	W. T. Stott
Ed. Frost	Dr.J.N.M'Cormack	N. C. Tilford
Frank C. Greene	Geo. M. McDowell	M. S. Walton, Jr.
Elwood Hamilton	T. T. Mobley	James T. Webb
W. L. Hampton	J. R. Mount	John F. White
H. H. Hays	John E. Newman	J. D. Wills

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Those who voted in the negative were—

H. C. Duffy	J. J. Huff	J. D. Pumphrey
Thomas J. Evans	Simon B. Lott	B. T. Rountree
C. M. Gum	A. J. Oliver	Ed. D. Stone
W. E. Henninger	Lyman J. Parrigin	W. M. Webb

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Resolved, That the title thereof be as aforesaid.

Mr. Walton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the days a bill entitled:

H. B. 329. An Act to amend that part of an act entitled "An Act for the government of cities of the first class, approved July first, eighteen hundred and ninety three," which act relates to Revenue and Taxation, as amended at the regu-

lar session of the General Assembly of the Commonwealth of Kentucky during the year 1910.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3002 of the Kentucky Statutes, Carroll's Edition, as enacted by the General Assembly of the Commonwealth of Ketucky in the year 1910 and appearing at pages 212, 213 and 214 of the acts of said assembly, be and the same is hereby amended by inserting after the word "disability" in the last paragraph of said section the words "other than coverture" and by adding to said last paragraph of said section the words "but when said property is redeemed shall pay the same penalties, and costs and interest at the same rate as is provided herein for persons not under disability." So that said section 3002 as amended shall read as follows:

"If at any sale for taxes, of real property, no one will bid for or purchase the property offered for sale, at the amount of the tax, the charges due, and the cost of sale, including the cost of advertising, it shall be the duty of the Tax Receiver to purchase same for the city, for the amount of the tax due, with interest, and penalties, and costs of sale thereon. The owner of the real estate so sold, his heirs, representatives, assigns, shall have the same rights to redeem such real estate from the purchaser thereof at any time within two years from the day of sale, as is provided by law in the sale of real estate under execution, by paying to the Tax Receiver, the amount of the purchase price at said sale, with interest thereon at the rate of one (1) per cent. per month, or fraction thereof, from the day of sale; and in case the land is not redeemed before the first day of April succeeding the sale, by paying a further penalty of five per cent (5) upon the purchase price. During the two years allowed for re-

demption, and until redemption, the land so sold shall be assessed for subsequent tax levies, in the name of the delinquent owner. During that time, there shall be no sale of the land for the collection of such later tax bills, but the delinquent shall be required to pay said bills, with interest and penalties as above provided, upon the redemption of the land in addition to the payment of the purchase price, with interest and penalties as hereinabove required. All moneys paid in redemption of land sold for city taxes, shall be paid to the Tax Receiver of the city, who shall account for such moneys in the same manner, and to the same officer as is required of him in the regular collection of taxes, except that, when the purchaser at a tax sale is not the city, the Tax Receiver shall pay over to the purchaser upon proper receipt, the amount of the purchase price, with interest and penalties thereon; but all moneys paid by the delinquent at the time of redemption in discharge of the bills against that land which was assessed subsequently to the tax for which the sale was had, shall be accounted for by the Tax Receiver as are other tax collections; and it shall be the duty of the Tax Receiver to promptly notify the purchaser at a sale of the redemption of the land purchased by him, by postpaid letter or card.

"Persons under disability other than coverture, whose lands have been sold for taxes, as herein provided, shall have the same rights for the redemption of such lands as are given them by law for the redemption of land sold for the payment of taxes due to the State of Kentucky, but when said property is redeemed, shall pay the same penalties, and costs, and interest at the same rate as is provided herein for persons not under disability."

§ 2. That Section 3004 of the Kentucky Statutes, Carroll's Edition, as enacted by the General Assembly of the Commonwealth of Kentucky, in the year 1910, and found at page 215 of the acts of said assembly, be and the same is hereby amended by adding after the words "State taxes" in the fourth line of said section the words "and other unpaid city

taxes." So that said section 3004 as now amended shall read as follows:

"If the land be not redeemed within two years from date of sale, a fee simple title shall vest absolutely in the purchaser, subject only to State taxes and other unpaid city taxes. Thereupon, the Tax Receiver then in office, shall convey the property by deed to the purchaser, who shall then be entitled to possession of the property, and have the right to recover same by suit or motion, as may be found most appropriate; Provided: That it shall be the duty of a purchaser, other than the city, to pay all later tax bills, owing to the city, with interest, as provided in Section 2998, which were assessed against that property after the assessment of the tax for which it was sold, and the Tax Receiver shall not convey the property to such a purchaser until all such tax bills have been paid. Such deed shall be prima facie evidence of the regularity of the sale, and of all prior proceedings, and title in the person to whom the deed has been executed.

"The City Comptroller may advertise and sell at public auction any lands which were purchased by the city at tax sale, and to which the city has received a deed, and of which it has possession, and may convey said land by deed to the purchaser, provided that he may be directed as to the time and manner of sale by ordinance of General Council. No real property thus acquired by the city, except such as may be proper and necessary for public purposes, shall be held by the city longer than five (5) years after being vested with title, and unless the same is sold and conveyed by the city within that period of time, the title thereto shall escheat to the Commonwealth of Kentucky."

§ 3. That Section 3005 of the Kentucky Statutes, Carroll's Edition, as enacted by the General Assembly of the Commonwealth of Kentucky in the year 1910, and found at page 216 of the acts of said assembly, be and the same is hereby amended by adding at the end of the first paragraph

thereof after the word "purpose" the following language, to-wit:

"The said cities need not postpone the filing of suit on any such bill or bills until the Tax Receiver has exhausted the remedies hereinabove provided to be exercised by him for the collection of same, but on or after the 20th day of August of the year after the year said property was assessed, may proceed by suit as aforesaid to enforce the collection of any such bills, and the omission of the Tax Receiver to act as prescribed in this Act, shall not defeat or impair in any manner whatever, any suit of the city for taxes. In these suits the city may, unless the person liable for the tax be under disability other than coverture, ask for and obtain a personal judgment against the person assessed, as well as the enforcement of its lien for taxes. The action herein authorized and the judgment and subsequent proceedings therein (except as otherwise provided) shall be conducted in all respects like suits upon liens arising from contract. When an action heretofore or hereafter brought on city tax bills, is still pending and undetermined, a new action upon subsequently accruing taxes may be brought and both actions may be carried to judgment separately and sales may be had under all of said judgments. When the city has obtained judgments in two or more actions, ordering the sale of the same property, or in two or more actions against the same parties ordering the sale of property, said actions may be consolidated after judgments have been taken, and the sale held under said consolidated action. When the city seeks only the enforcement of its lien on property, and the party or parties in interest have died subsequently to the assessment, the statutory affidavit and demand need not be made before beginning or reviving a suit, nor in support of the claim. No action in which the city is a party, seeking the enforcement or collection of tax bills, shall hereafter abate so as to defeat the claim, or any part of the claim of said city because of the death of any of the parties to said action, unless the city shall fail to re-

vive said action within five years after the time it could have been first revived. At any decretal sale of any real estate, or improvements, the city may, by the Mayor, City Atorney, or either Assistant City Attorney, bid the amount due such city for the taxes adjudged to be liens thereon, with interest and costs of suit and sale, and may become the purchaser of such real estate, or improvements, with the same right to a conveyance and the possession thereof as is provided by law in the case of any other purchaser. The owner of the real estate so sold, his heirs, representatives, or assigns, in the event said property fails to bring two-thirds (2-3) of its appraised value, shall have the same right to redeem such real estate from the purchaser thereof at any time within one year from the day of sale, as is provided by law in the sale of real estate under execution, by paying to such purchaser the amount of the purchase price at said sale, with ten per cent. (10%) interest thereon per annum from the date of sale. No real estate thus acquired by the city, except such as may be proper and necessary for public purposes, shall be held by the city for a longer period than five years from the time the city acquires possession of said real estate and unless the same is sold and conveyed by the city within said period, the title thereto shall escheat to the Commonwealth of Kentucky."

So that said Section 3005 as amended shall read as follows:

"In addition to the powers given to cities of the First Class by the foregoing provisions of this act, for the collection of taxes by sale of the delinquent's property under a tax bill, such cities shall have the power to enforce collection of any tax bill due them by all remedies given for the recovery of debt in any court of the Commonwealth otherwise competent for that purpose.

"The said cities need not postpone the filing of suit on any such bill or bills until the Tax Receiver has exhausted the remedies hereinabove provided to be exercised by him for

the collection of same, but on or after the 20th day of August of the year after the year said property was assessed, may proceed by suit as aforesaid to enforce the collection of any such bills, and the omission of the Tax Receiver to act as prescribed in this Act, shall not defeat or impair in any manner whatever, any suit of the city for taxes. In these suits the city may, unless the person liable for the tax be under disability other than coverture, ask for and obtain a personal judgment against the person assessed, as well as the enforcement of its lien for taxes. The action herein authorized and the judgment and subsequent proceedings therein (except as otherwise provided) shall be conducted in all respects like suits upon liens arising from contract. When an action heretofore or hereafter brought on city tax bills is still pending and undetermined, a new action upon subsequently accruing taxes may be brought and both actions may be carried to judgment separately and sales may be had under all of said judgments. When the city has obtained judgments in two or more actions, ordering the sale of the same property, or in two or more actions against the same parties ordering the sale of property, said actions may be consolidated after judgments have been taken, and the sale held under said consolidated action. When the city seeks the enforcement of its lien on property, and the party or parties in interest have died subsequently to the assessment, the statutory affidavit and demand need not be made before beginning or reviving a suit, nor in support of the claim. No action in which the city is a party, seeking the enforcement or collection of tax bills, shall hereafter abate so as to defeat the claim, or any part of the claim of said city because of the death of any of the parties to said action, unless the city shall fail to revive said action within five years after the time it could have been first revived. At any decretal sale of any real estate, or improvements, the city may, by the Mayor, City Attorney, or either Assistant City Attorney bid the amount due such city for the taxes adjudged to be liens thereon, with interest and

costs of suit and sale, and may become the purchaser of such real estate, or improvements, with the same right to a conveyance and the possession thereof as is provided by law in the case of any other purchaser. The owner of the real estate so sold, his heirs, representatives, or assigns, in the event of said property fails to bring two-thirds (2-3) of its appraised value, shall have the same right to redeem such real estate from the purchaser thereof at any time within one year from the day of sale, as is provided by law in the sale of real estate under execution, by paying to such purchaser the amount of the purchase price at said sale, with ten per cent (10) interest thereon per annum from the date of the sale. No real estate thus acquired by the city except such as may be proper and necessary for public purposes, shall be held by the city for a longer period than five years from the time the city acquires possession of said real estate and unless the same is sold and conveyed by the city within said period, the title thereto shall escheat to the Commonwealth of Kentucky.

"All tax bills, for whatever year levied, which shall be owing to a city of the First Class, on June 30, 1910, and which are then due and unpaid, in whole or in part, whether in suit or not, shall on and after that date, be subject to the provisions of this act, both as to interest and penalties (including the penalty of ten per cent (10) to be added on July first) and as to collection by sale under tax bill or by suit. For the collection of all tax bills not in suit, which are due and unpaid, the Tax Receiver shall in July, 1910, proceed by sale as herein provided."

§ 4. All acts or parts of acts, and all provisions of the Code of Practice in conflict with this act as here amended are hereby repealed in so far as may be necessary to give validity to this act and every part thereof. It is further provided that if any part or provision of this act as amended is found by the court of last resort to be invalid, the validity of all other parts and provisions of this act shall not be thereby

impaired or invalidated, but only the parts or provisions so found to be invalid.

Whereas, cities of the first class are now suffering great inconvenience and are in danger of great loss because of the need of these amendments, an emergency is hereby declared to exist, and this act shall become a law when approved by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	D. H. Hillman	J. D. Pumphrey
Harry Avery	R.B.Hutchcraft,Jr.	Richar[illegible]cliffe
Geo. B. Barrett	J. M. Johnson	Dr. W. R. Ray
Elmer L. Brown	T. R. Jones	Stanley F. Reed
A. T. Bryson	John A. Judy	S. H. Rogers
Glover H. Cary	Griffin Kelly	B. T. Rountree
Ed. F. Cecil	William J. Kuh	S. M. Saufley
Benj. L. Cox	J. C. Lay	L. M. Smith
James R. Dorman	Simon B. Lott	Adam Spahn
John W. Douglas	C. R. Luker	Ed. D. Stone
John Drescher	Dr.J.N.M'Cormack	W. T[illegible]ott
H. C. Duffy	Geo. M. McDowell	Louis Tieman
John C. Duffy	W. T. McNally	N. C. Tilford
William Duffy	John E. Newman	M. S. Walton, Jr.
G. P. Durrett	S. Mazyck O'Brien	James T. Webb
M. J. Farris, Jr.	A. J. Oliver	W. M. Webb
Elwood Hamilton	William A. Perry	John F. White
W. L. Hampton	John A. Polin	
Dr. S. L. Henry	W. A. Price	—55

Those voting in the negative were—

Thomas J. Evans Vert C. Fraser C. M. Gum

—3

Resolved, That the title thereof be as aforesaid.

Mr. O'Brien moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Judy moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Walton moved that a committee of two be appointed to confer with the Rules Committee of the Senate to ascertain when said body would adjourn.

Said motion was agreed to.

Mr. Speaker Terrell appointed as such committee Messrs. Miller and Walton.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 552. An Act appropriating money for the proper care of the State Capitol, Capitol grounds and Governor's Mansion.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The sum of twenty thousand dollars is hereby ap-

propriated out of the State Treasury to be paid on the order of the Sinking Fund Comissioners, to such employes as said Commissioners may employ to keep the State Capitol, grounds, Governor's Mansion and other public property in connection therewith in proper condition, and the Sinking Fund Commissioners shall fix the salaries of all officers or employes that may be employed or selected by it for said purpose and the same shall be paid monthly as other salaries.

§ 2. All laws fixing salaries of any such officers or employes or appropriating money for the purposes stated in this act, are hereby repealed.

Mr. Mount offered the following amendment to said bill:

Amend H. B. 552 by striking out "twenty thousand dollars" and inserting "sixteen thousand dollars."

Said amendment was disagreed to.

Mr. Hillman offered the following amendment to said bill:

Amend H. B. 552, line 1, by striking out the words "twenty thousand" and insert in lieu thereof the words "eighteen thousand."

Said amendment was disagreed to.

Mr. Judy offered the following amendment to said bill:

Amend by adding the word "annually" after the word "dollars" in line one.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Frank C. Greene	Zach. L. Myers
Harry Avery	C. M. Gum	John E. Newman
Geo. B. Barrett	Elwood Hamilton	S. Mazyck O'Brien
Henry C. Blades	V. D. Hammond	A. J. Oliver
Joseph Boitnott	W. E. Henninger	A. W. Palmer
Elmer L. Brown	Dr. S. L. Henry	Lilburn Phelps
A. T. Bryson	J. J. Huff	William A. Perry
C. W. Burton	R.B.Hutchcraft,Jr.	John A. Polin
Ed. F. Cecil	John A. Judy	W. A. Price
J. G. Coke, Jr.	Griffin Kelly	J. D. Pumphrey
James R. Dorman	John H. Klette	Stanley F. Reed
John W. Douglas	William J. Kuh	B. T. Rountree
John Drescher	Dr.J.N.M'Cormack	Adam Spahn
John C. Duffy	W. T. McNally	Louis Tieman
William Duffy	John G. Miller, Jr.	James T. Webb
G. P. Durrett	T. T. Mobley	W. M. Webb
Thomas J. Evans	Harry J. Meyers	John F. White

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Those voting in the negative were—

Glover H. Cary	J. M. Johnson	S. H. Rogers
Benj. L. Cox	T. R. Jones	S. M. Saufley
H. C. Duffy	Simon B. Lott	W. A. Shawler
Odie Duncan	C. R. Luker	L. M. Smith
M. J. Farris, Jr.	J. R. Mount	Ed. D. Stone
Vert C. Fraser	Lyman J. Parrigin	W. T. Stott
W. L. Hampton	Richard Radcliffe	J. D. Wills
D. H. Hillman	Dr. W. R. Ray	

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Resolved, That the title thereof be as aforesaid.

Mr. Judy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 79. An Act fixing the time of holding the election of school trustees throughout this Commonwealth.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The election for School Trustees shall be held on the second Saturday in August of each year in the same manner as is now provided by law.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	V. D. Hammond	John E. Newman
Elmer L. Brown	H. H. Hays	S. Mazyck O'Brien
A. T. Bryson	W. E. Henninger	A. W. Palmer
C. W. Burton	Dr. S. L. Henry	Lilburn Phelps
Ed. F. Cecil	D. H. Hillman	John A. Polin
J. G. Coke, Jr.	J. J. Huff	J. D. Pumphrey
Benj. L. Cox	R.B.Hutchcraft,Jr.	Richard E. Radcliffe
Geo. T. Davis	J. M. Johnson	Dr. W. R. Ray
James R. Dorman	T. R. Jones	Stanley F. Reed
John W. Douglas	John A. Judy	S. H. Rogers
John Drescher	Griffin Kelly	B. T. Rountree
William Duffy	John H. Klette	S. M. Saufley
M. J. Farris, Jr.	William J. Kuh	L. M. Smith
Vert C. Fraser	J. C. Lay	Adam Spahn
Frank C. Greene	C. R. Luker	Ed. D. Stone
C. M. Gum	Dr.J.N.M'Cormack	W. T. Stott
E. V. Hall	Geo. M. McDowell	M. S. Walton, Jr.
Elwood Hamilton	T. T. Mobley	W. M. Webb
W. L. Hampton	Zach. L. Myers	John F. White

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Those voting in the negative were—

Jas. W. Barrall	Geo. B. Barrett	James T. Webb

—3

Resolved, That the title thereof be as aforesaid.

Mr. Hays moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 38. An Act relating to poll or capitation tax and

providing for the collection of but one poll tax from citizens of cities of the third class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no city of the Third Class shall hereafter levy or collect a poll or capitation tax on the citizens thereof for any year in which the county, in which said city may be situated, shall levy or collect a poll or capitation tax on the citizens of said city.

§ 2. All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Benj. L. Cox	C. M. Gum
Harry Avery	James R. Dorman	E. V. Hall
Henry C. Blades	John W. Douglas	Elwood Hamilton
Joseph Boitnott	John Drescher	W. L. Hampton
Elmer L. Brown	William Duffy	V. D. Hammond
A. T. Bryson	Odie Duncan	H. H. Hays
C. W. Burton	G. P. Durrett	Dr. S. L. Henry
Glover H. Cary	Thomas J. Evans	D. H. Hillman
Ed. F. Cecil	M. J. Farris, Jr.	J. J. Huff
J. G. Coke, Jr.	Vert C. Fraser	R.B.Hutchcraft,Jr.

J. M. Johnson	S. Mazyck O'Brien	S. M. Saufley
T. R. Jones	A. W. Palmer	A. W. Sharp
Griffin Kelly	Lyman J. Parrigin	W. A. Shawler
John H. Klette	Lilburn Phelps	L. M. Smith
William J. Kuh	William A. Perry	Adam Spahn
J. C. Lay	John A. Polin	Ed. D. Stone
C. R. Luker	W. A. Price	W. T. Stott
Dr. J.N.M'Cormack	J. D. Pumphrey	Louis Tieman
Geo. M. McDowell	Richard Radcliffe	M. S. Walton, Jr.
W. T. McNally	Dr. W. R. Ray	James T. Webb
T. T. Mobley	Stanley F. Reed	W. M. Webb
Harry J. Meyers	S. H. Rogers	John F. White
John E. Newman	B. T. Rountree	—68

There voted in the negative—

John C. Duffy —1

Resolved, That the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 341. An Act to make it unlawful in the State of Kentucky for any individual, firm or corporation engaged in the business of selling groceries, meats, vegetables, dry goods, notions or drugs, to sell or to keep for sale any intoxicating liquors to be drunk on the premises, and to declare the same to be a nuisance, and to provide penalties therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful anywhere in the State of Kentucky, for any individual, firm or corporation engaged in the business of selling groceries, meats, vegetables, dry goods, notions or drugs, to keep for sale or to sell any intoxicating liquors to be drunk on the premises.

§ 2. Whoever shall in the State of Kentucky establish, conduct, or maintain any grocery, meat or vegetable stand, dry goods or notion store, or drug store, and in connection with said business and on the same premises or adjacent thereto, shall sell, by retail or keep for sale any intoxicating liquors, shall be deemed guilty of committing a public nuisance.

§ 3. It shall be unlawful for any city or county to grant any license for the sale by retail, of intoxicating liquors to any person, individual, company or corporation conducting the business of grocer or merchant, dry goods or notion merchant, or druggist, except upon the condition that none of the liquors sold by such license shall be sold on the premises where such business is conducted or adjacent thereto, and the license shall be revoked in the event that the licensee shall so sell any intoxicating liquor: Provided, however, that such shall not apply to any person, company or corporation so selling intoxicating liquor under license granted prior to the passage of this act.

§ 4. Whoever shall violate the provisions or any provision of this act shall be guilty of a misdemeanor and shall upon conviction be fined fifty ($50.00) dollars for each offense, and each day's violation shall constitute a separate offense.

§ 5. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and rejected.

The yeas and nays being taken on the rejection of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	Elwood Hamilton	C. R. Luker
Joseph Boitnott	W. L. Hampton	Dr. J. N. M'Cormack
A. T. Bryson	H. H. Hays	Geo. M. McDowell
Glover H. Cary	W. E. Henninger	John G. Miller, Jr.
Ed. F. Cecil	Dr. S. L. Henry	T. T. Mobley
J. G. Coke, Jr.	D. H. Hillman	Richard Radcliffe
Benj. L. Cox	J. J. Huff	Dr. W. R. Ray
John W. Douglas	R. B. Hutchcraft, Jr.	S. M. Saufley
G. P. Durrett	T. R. Jones	L. M. Smith
M. J. Farris, Jr.	John A. Judy	Ed. D. Stone
C. M. Gum	Griffin Kelly	James T. Webb
E. V. Hall	Simon B. Lott	W. M. Webb

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Those voting in the negative were—

Geo. B. Barrett	John H. Klette	Lyman J. Parrigin
C. W. Burton	William J. Kuh	William A. Perry
James R. Dorman	W. T. McNally	W. A. Price
John C. Duffy	Harry J. Meyers	Stanley F. Reed
William Duffy	Zach. L. Myers	W. A. Shawler
Odie Duncan	John E. Newman	John F. White
Thomas J. Evans	S. Mazyck O'Brien	

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The House took up for consideration from the orders of the day a bill entitled:

H. B. 583. An Act providing transportation for county

road engineer and committees of the fiscal court and making automobile trucks a part of road equipment.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In all counties of the State levying a road tax amounting to over $50,000, the fiscal court shall furnish the County Road Engineer with transportation in performing duties connected with the superintending, construction, repair and maintenance of the roads in the county. To this end the fiscal court may purchase or rent teams or automobiles which may also be used by the county judge or committees of the fiscal court or board of commissioners for inspection of the roads and to determine recommendations on needed work and repairs.

§ 2. Automobile trucks may be considered part of road equipment in all counties, and the fiscal court may purchase same for the use of the county, as provided in Section 62, Chapter 110, Acts of 1912.

§ 3. Any other county may furnish the transportation provided for in Section 1 of this Act, should the fiscal court so elect.

§ 4. This Act shall be in effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	E. V. Hall	John E. Newman
Geo. B. Barrett	Elwood Hamilton	S. Mazyck O'Brien
Joseph Boitnott	W. L. Hampton	Lilburn Phelps
Elmer L. Brown	H. H. Hays	William A. Perry
A. T. Bryson	J. J. Huff	John A. Polin
Glover H. Cary	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Ed. F. Cecil	T. R. Jones	Dr. W. R. Ray
J. G. Coke, Jr.	John A. Judy	Stanley F. Reed
Benj. L. Cox	Griffin Kelly	S. M. Saufley
Geo. T. Davis	William J. Kuh	L. M. Smith
John W. Douglas	J. C. Lay	Adam Spahn
John Drescher	C. R. Luker	James T. Webb
John C. Duffy	Dr.J.N.M'Cormack	W. M. Webb
James R. Dorman	Geo. M. McDowell	W. T. McNally
M. J. Farris, Jr.	William Duffy	T. T. Mobley
C. M. Gum	J. R. Mount	
John F. White	Harry J. Meyers	—49

Those voting in the negative were—

John H. Klette	Richard Radcliffe	M. S. Walton, Jr.
Simon B. Lott		—4

Resolved, That the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 559. An Act declaring certain public roads public works of the State of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all public roads, connecting county seats in counties of this Commonwealth, and which have been, or may hereafter be, surveyed or recognized, by the State Road Department, as the most feasible route, for the construction and maintenance of a public highway between said county seats, are hereby declared to be public works of this Commonwealth.

Mr. Huff offered the following amendment to said bill:

Amend H. B. 559 by striking out section 1 and inserting in lieu thereof the following: "There is hereby created a system of public State highways, which shall consist of roads connecting the county seat of each county of the Commonwealth with the county seats of the adjoining counties by the most direct and practical route, and the county seats of the border counties of the Commonwealth with the State line on the most direct and practical route leading from said county seats to the county seats of the adjoining counties in the adjacent states. Those roads shall be the first to receive State aid, and after such roads are constructed in any county of the Commonwealth then all other roads to which State aid is furnished thereafter may be deemed public State highways; and all such roads eligible to receive State aid under the provisions of this Act shall be deemed public works of this Commonwealth.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Elwood Hamilton	T. T. Mobley
Joseph Boitnott	V. D. Hammond	J. R. Mount
Elmer L. Brown	H. H. Hays	Harry J. Meyers
A. T. Bryson	W. E. Henninger	A. W. Palmer
Ed. F. Cecil	Dr. S. L. Henry	Lyman J. Parrigin
J. G. Coke, Jr.	J. J. Huff	Lilburn Phelps
Benj. L. Cox	T. R. Jones	John A. Polin
Geo. T. Davis	Griffin Kelly	J. D. Pumphrey
James R. Dorman	J. C. Lay	Richard Radcliffe
John W. Douglas	Simon B. Lott	S. M. Saufley
William Duffy	C. R. Luker	L. M. Smith
Vert C. Fraser	Dr.J.N.M'Cormack	James T. Webb
C. M. Gum	Geo. M. McDowell	W. M. Webb
E. V. Hall	John G. Miller, Jr.	John F. White

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Those voting in the negative were—

John Drescher	D. H. Hillman	Dr. W. R. Ray
John C. Duffy	John H. Klette	M. S. Walton, Jr.
G. P. Durrett	William J. Kuh	
W. L. Hampton	S. Mazyck O'Brien	

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Resolved, That the title thereof be as aforesaid.

Mr. Huff moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 400. An Act to amend Section 1, Sub-division 4, Article 12, Chapter 22 of Act of the General Assembly of 1906, being "An Act relating to Revenue and Taxation," which same is now section 4224 of the Kentucky Statutes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1, Sub-division 4, Article 2, Chapter 22, of the Acts of the General Assembly of 1906, relating to Revenue and Taxation, same being Section 4224, of the Kentucky Statutes (1906), be and the same is hereby amended by adding thereto the following, to-wit:

County and State Fair Association. On each bona fide State or county fair association in the Commonwealth, five dollars per day for each and every day such associations charge for admittance to the grounds: Provided, That the license shall permit said fair association, its agents or employes, or concessionaries, to operate merry-go-rounds, shooting galleries, lunch stands, soft drink stands, picture galleries, soda fountains, cane racks, knife racks, artful dodgers, ball throwing racks, ring boards, exhibitions and shows, and any and all contrivances, shows, exhibitions, and concessions for which a license is required now to be paid without other or further license; and provided, further, that this amendment shall not be construed to permit any gambling or gambling devices, now denounced by the laws of this Commonwealth, to be operated on said association's grounds, nor the sale of any intoxicating liquors. The license to be obtained from the County Court Clerk of the county wherein the fair is conducted, and to be valid for the days and place named in the license.

So that said section when amended shall read as follows:

Art. 4224. (1) Amount of. Before engaging in any occupation or selling any article named in this sub-division of Article 12 of this act, the person desiring to do so shall procure license and pay the tax thereon as follows:

Tavern or Hotel. To keep a tavern or hotel with twenty-five rooms or more, ten dollars.

To keep a tavern or hotel with privilege of selling by retail malt liquors, eighty-five dollars.

To keep a tavern or hotel, with privilege of selling by retail spirituous, vinous liquors, one hundred and sixty dollars.

To keep a tavern or hotel, with privilege of selling, by retail spirituous, vinous and malt liquors, two hundred and ten dollars.

Malt Liquors. To retail malt liquors, seventy-five dollars.

Spirituous and Vinous Liquors. To retail spirituous anl vinous liquors, one hundred and fifty dollars.

Spirituous, Vinous and Malt Liquors. To retail spirituous, vinous and malt liquors, two hundred dollars.

Card Playing. To sell by retail playing cards, ten dollars

Pistols. To sell by retail pistols, one hundred dollars.

Deadly Weapons. To sell by retail bowie knives, dirks, brass knucks or slung shots, one hundred dollars.

Pawnbroker. To engage in the business of a pawnbroker, five hundred dollars.

Trading Stamp Companies. That all resident or foreign stamp companies or corporations doing business in this State shall annually pay a license tax to the county court clerk of each county wherein such business is conducted, ten dollars.

A trading stamp company is defined to be a company that gives premiums of valuable personal property in exchange for stamps or checks furnished to purchasers of merchandise.

Bowling Alley. To the keeper of a ninepin or tenpin or bowling or boxball alley, or other similar contrivance for the use of which a price is charged, fifteen dollars, if the population of the county exceeds twenty-five thousand; if under that number, ten dollars, and the same rate for each alley or ballway.

Distillers Who Retail. To persons who are distillers of spirituous liquors in good faith, to retail spirituous liquors of their own manufacture at their distillery, or own warehouse, but shall only sell at one of said places, and that must be named and designated in the license, in quantities of not less than one quart, the liquor not to be drunk on the premises, or adjacent thereto, one hundred dollars.

Manufacturers of Wine and Distillers of Brandy. To persons who are manufacturers of vinous liquors in good faith, and distillers of peach and apple brandy, to retail liquors of their own manufacture at their own manufactory, at the place of manufacture or distillery in quantities not less than a quart, and not to be drunk on the premises or adjacent thereto, seventy-five dollars.

Merchants Who Retail Liquor. To persons who are merchants in good faith engaged in carrying on a bona fide mercantile business other than the sale of liquor by retail, to retail spirituous liquors at their storehouses in quantities not less than a quart, not to be drunk on the premises, or adjacent thereto, one hundred dollars.

Druggists Who Sell Liquor. To persons who are druggists in good faith, to retail spirituous and vinous liquors at the drug stores in quantities not less than a quart, the liquor not to be drunk on the premises, or adjacent thereto, and to sell in quantities less than a quart, for medical purposes only on the prescription of a regular practicing physician, one hundred dollars.

Circuses and Exhibitions. Circuses, menageries, and other exhibitions displayed under canvas, one dollar for each one hundred voters of the county in which the exhibition

is given, and the same amount for each separate exhibition to which an admission fee is charged, but the whole amount of the tax shall not exceed fifty dollars for each exhibition; and each side show, where a separate fee is charged, shall pay a tax equal to one-half the amount of tax paid by the main circus or principal performance.

Slaughter and Packing Houses—Reports of—Penalty for Failure to Make. That all foreign corporations, associations, co-partnerships, firms or other persons engaged in the business or occupation of, owning or operating slaughter houses, packing houses, or manufacturing establishments wherein live animals, such as beeves, hogs, sheep, chickens, turkeys, ducks, or other animals or fowls or fish, if prepared or manufactured for food for man or beast, in whole or in part, and doing business in this State, or selling to or through brokers, jobbers, firms, traveling salesmen, or in contract or through mail orders to persons in this State, shall pay a license tax therefor of fifty cents on each one hundred dollars of the gross amount received, in cash or otherwise, on sales made in this State.

It shall be the duty of each foreign dealer doing such business in this State to make and deliver to the Auditor of Public Accounts on the 31st day of December, 1906, and at the end of each six months, or within twenty days thereafter, a statement, sworn to, of the amount of the gross sales of the six months then ending, and pay in the treasury the taxes due thereon.

Any dealer liable for such taxes, refusing or failing to make and deliver such report and pay the taxes as herein required, shall be deemed guilty of a misdemeanor, and, upon conviction, fined not less than five hundred dollars or more than one thousand dollars for each offense, to be recovered by indictment in the Franklin Circuit Court.

Cigarettes and Cigarette Papers, Dealers in. To sell by retail cigarettes or cigarette paper, whether the paper be sold or given away, attached to packages of tobacco, or

thrown down, or away, or so placed as to put the parties in possession of same by artifice or trick, ten dollars per annum.

To each resident wholesale dealer or jobber of cigarettes, twenty-five dollars per annum.

Petroleum, Lubricating or Other Oil. To sell by retail, petroleum, lubricating or other oil, for each wagon used in transporting or retailing such oils, fifteen dollars for each county in which each wagon is so used.

Stud, Jack or Bull. To stand a stud-horse, jack or bull, a sum equal to the greatest sum charged for the service of the animal, whether the same be for season or for insurance. The license for breeding stock shall expire on the thirty-first day of December after it is granted; the applicant for such license shall state on oath, the largest amount he intends to charge, directly or indirectly, for the service of the animal, and if in property or other things the value thereof. If any such animal be purchased or brought into the State, or from one county to another, by a citizen of this State, between the first day of July and the first day of December in any year, the tax on the license until December the thirty-first, after the purchase or removal, shall be in proportion to the annual tax as the time for which the license has to run bears to the whole year. All persons making application for such reduced license shall make and file with the clerk an affidavit stating when the animal was brought into the State or another county, and the name of the owner or owners and their place of residence.

Peddlers' License. Peddlers shall, except as hereinafter provided, pay for peddling in the entire State any of the articles on which a license tax is required by law, the following: One person with two horse wagon, fifty dollars; one person with one horse wagon, forty dollars; one person on horseback, thirty dollars; one person on foot, who carries on or about his person the article he proposes selling, or each person who may accompany a peddler with a wagon, twenty dollars; each person who, under cover of a bona fide merchant, has

come into, or taken up a temporary residence in any county, city or town of this Commonwealth, for the purpose of disposing of goods, wares or merchandise, either at auction or otherwise, and who does not carry about from place to place on his person the goods, wares or merchandise he proposes disposing of, one hundred dollars; and for each person assisting such peddler as clerk or employe one hundred dollars. For the right to peddle in any one county in this State, each person applying therefor shall pay one-fourth as much as is required of such person for the whole State.

Animals, Exhibition of, Trained. On each exhibition of trained animals, not being a circus or menagerie, for each day or part of a day exhibited for fee charged or collected, five dollars.

Auctioneer. On each auctioneer in each city, town or village, five dollars.

Billiard or Pool Table. On each billiard table or pool table where a fee is charged, and collected, directly or indirectly, twenty dollars. Where more than one table is kept for use, five dollars for each additional table.

Bill Posters. On each person engaged in posting, distributing or tacking placards (or other printed matter) for hire, other than those employed by resident merchants, county fair associations, owners, lessees or managers of theatres and opera houses, or candidates for political office in advertising their respective business, ten dollars.

Wharfboat. On each wharfboat, ten dollars.

Soft Drinks—Bottling. On each establishment for the bottling of proprietary and soft drinks, twenty-five dollars.

Brokers and Commission Merchants. On each corporation, individual or firm, except banks and trust companies, whether resident in this State or not, engaged in buying or selling notes, bonds, stocks or other securities, twenty-five dollars.

On each broker or commission merchant, other than a liquor broker, twenty-five dollars.

Racks—Cane, Knife. On each cane rack, knife rack, artful dodger, ring board or similar contrivance, by whatever name called, kept or operated for profit, of each county, five dollars.

Commercial Agencies. Each and every person, partnership or corporation having representatives in this State, who engage in the business of inquiring into and reporting upon the credit and standing of persons engaged in business in this State, shall pay a license tax of one hundred dollars. Any person having such license shall print in his letter head a statement of the fact. The payment of the tax shall be made direct to the Auditor, and his receipt therefor shall exempt the company or party carrying on said business from the payment of such tax in any county, and payment of such tax shall not be required of any sub-agent or correspondent of the party for the company carrying on said business in this State; and any such person acting as correspondent or sub-agent of such company, and who shall transact any business, make report of such company, whether within or without this State, without the party or company having first paid the tax herein provided, shall be liable to all penalties for carrying on the business without paying the tax.

Exhibitions. On each show, exhibition, concert or other performance where a fee is charged or collected, and not devoted exclusively to religious, benevolent or educational purposes, and not in a licensed hall, five dollars.

County and State Fair Associations.—On each bona fide State or County Fair Association in the Commonwealth, five dollars per day for each and every day such associations charge for admittance to the grounds: Provided, That the license shall permit said Fair Association, its agents, or employes, or concessionairies, to operate merry-go-rounds, shooting galleries, lunch stands, soft drink stands, picture galleries, soda fountains, cane racks, knife racks, artful dodgers, ball throwing racks, ring racks, exhibitions and shows, and any and all contrivances, shows, exhibitions, and con-

cessions for which a license is required now to be paid, without other or further license; and provided, further, that this amendment shall not be construed to permit any gambling or gambling device, now denounced by the laws of this Commonwealth, to be operated on said association's grounds, nor the sale of any intoxicating liquors. The license to be obtained from the County Court Clerk of the county wherein the fair is conducted, and to be valid for the days and place named in the license.

Feather Renovators. On each feather renovator in each county where operated, ten dollars.

Ferry, Steam. On each steam ferry operated in this State, in whole or in part, in any steam, not paying a franchise tax, twenty-five dollars.

Fortune Tellers. Fortune tellers, clairvoyants and palmists: In each county, twenty dollars.

Hack Lines. Hack lines: On each regular hack, stage or automobile line for public use, operated for not less than one month, and where a fare is charged and collected, ten dollars.

Ice Factories. Ice factories: On each ice factory of a capacity of five tons or less per day, fifteen dollars.

Same of not more than ten tons per day, twenty dollars.

Same of not more than fifteen tons per day, twenty-five dollars.

Same of more than fifteen tons per day, thirty dollars.

Laundries, Steam. Laundry (steam): On each steam laundry, ten dollars, and each foreign laundry doing business in this State shall pay a license tax of ten dollars.

Loan Companies. Loan Companies: And each corporation, association, firm or person who loans money upon salaries or household furniture, two hundred dollars.

Lightning Rod Agents. Lightning rod agents: On each lightning rod agent in each county, fifty dollars.

Merry-Go-Rounds. Merry-go-round: On each merry-go-round or like contrivance, ten dollars in each county.

Oleomargarine. Oleomargarine dealer: On each dealer

in oleomargarine or similar manufactured butter, five dollars.

Patent Medicine, Dealers In. On each person, firm or corporation selling patent medicine, except a merchant or druggist selling from his place of business, one hundred dollars. On each transient vendor or trader of patent, secret or proprietary medicines or nostrums, by whatever name called, whether traded or sold by another or otherwise, one hundred dollars.

Photograph Galleries. On each photograph, tintype, open air or tent gallery, set up in, or outside of any city or town in each county, five dollars.

Piano and Organ Agents. On each agency for the sale of pianos and organs, for each county five dollars, and where the pianos and organs, one or both, are stored for sale, the privilege shall be paid, though the said property shall be assessed ad valorem for taxes and the person having charge of the same shall be deemed the agent and liable for the taxes.

Railroad Eating-House. On each railroad eating-house, ten dollars.

Restaurant. On each restaurant in any city or town, five dollars.

Real Estate Agency. On each real estate agent in cities of the first, second and third classes, twenty-five dollars. Same in each city or town of the fourth, fifth and sixth classes, ten dollars.

Sewing Machine Agency. On each agency for sewing machines, employing one agent, for each county, ten dollars. On each additional agent for sewing machines, each county, five dollars.

Shooting Gallery. On each shooting gallery, each county, five dollars.

Soda Fountains and Dealers in Soft Drinks. On each soda fountain, two dollars and fifty cents. On each person or firm selling proprietary or soft drinks, natural or mineral waters, not from a fountain, two dollars and fifty cents.

Picture Enlargement. On each solicitor or agent for the enlargement of pictures, or solicitors for picture frames or pictures, each county, five dollars.

Theatres. On each theatre or opera house for public exhibitions or performance in cities of the first class, forty dollars; in cities of the second class, twenty dollars; in cities of the third class, fifteen dollars; in cities of the fourth, fifth and sixth classes, ten dollars.

Vendor of Spectacles or Jewelry. On each transient vendor of spectacles or jewelry, whether offered for sale in the store of a licensed merchant or not, each county, ten dollars.

Vendor of Stoves and Ranges. On each transient vendor of iron or steel ranges or stoves in each county, twenty dollars.

Skating Rinks. On each skating rink or room or place run for hire or profit as follows: In cities of the first class, seventy-five dollars; in cities of the second class, fifty dollars; in cities of the third class, twenty-five dollars; in cities of the fourth class, ten dollars; in cities and towns of the fifth and sixth classes, five dollars.

License Tax to be Paid by—Liquor Dealers Who Rectify, Compound or Blend—Sale of Wine, Ale, Mineral Water. That all corporations, associations, companies, co-partnerships, or individuals, citizens, except distillers, selling straight whiskeys or brandies of their own make) of, or residing in this State engaged in the business or corporation of compounding, rectifying or blending distilled spirits or selling by wholesale in the usual course of trade distilled spirits, or selling by wholesale compounded, rectified or blended spirits known and designated as single stamp spirits, shall annually pay to the State a license therefor. That all foreign corporations, associations, companies, co-partnerships, or individuals engaged in the business or occupation of selling by wholesale in this State in the usual course of trade distilled spirits, or rectified, blended or compounded spirits known

and designated as single stamp spirits, shall annually pay to the State a license tax therefor. That all corporations, companies, associations, co-partnerships, or individuals, citizens of, or residing in this State and engaged in the business or occupation of owning or operating breweries, shall annually pay a license tax to the State therefor. That all corporations, companies, associations, co-partnerships or individuals engaged in the business of a broker or commission merchant selling straight whiskey and who do not handle the same shall annually pay a license therefor to the State. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business of selling by wholesale in this State, in the usual corse of trade, beers or malted liquors, shall annually pay a license tax to the State therefor as hereinafter specifically provided for.

That all corporations, associations, companies, co-partnerships, or individuals, citizens of, or residing in this State and engaged in the business of selling by wholesale, in the usual course of trade, wines, ales, mineral waters or any vinous liquors, shall annually pay to the State a license tax therefor. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business of selling in this State, by wholesale or to jobbers in the usual course of trade, wines, ales, mineral waters, or vinous liquors, shall annually pay a tax to the State therefor. The license taxes imposed shall be as follows, viz.:

Wholesale Dealer Whose Sales Are 500 Barrels or Less. For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamped spirits, whose sales for the year ending June 30, 1906, and on same date of each year thereafter, have in the aggregate been five hundred barrels, two hundred dollars.

Wholesale Dealer Whose Sales Are Over 500 Barrels and Less Than 1,000. For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales for the year ending June 30th, 1906, and

on the same date of each year thereafter, have in the aggregate been over five hundred barrels and less than one thousand barrels, two hundred dollars.

Wholesale Dealer of 1,000 Barrels or More. For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales for the year ending June 30th, 1906, and on the same date of each year thereafter have been in the aggregate one thousand barrels or more, three hundred dollars.

Wholesale Foreign Dealer—Sales of 500 Barrels or Less. For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales in this State for the year ending June 30th, 1906, and on the same date of each year thereafter, have been in the aggregate five hundred barrels or less, one hundred dollars.

Wholesale Foreign Dealer—Sales of 500 Barrels or Less Than 1,000. For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded, single stamp tax spirits, whose sales in this State for the year ending June 30, 1906, and on the same date of each year thereafter, have been over five hundred barrels, two hundred dollars.

Wholesale Foreign Dealer of 1,000 Barrels or More. For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded, single stamp tax spirits, whose sales in this State for the year ending June 30th, 1906, and on the same date of each year thereafter, have been in the aggregate of one thousand barrels or more, three hundred dollars.

Brewery. For each brewery in this State, two hundred dollars.

Agency of Resident Brewery. For each agency in this State established by resident brewers or resident wholesale dealers in domestic beer or malted liquors, twenty-five dollars.

Foreign Brewer. For each foreign brewer doing business in this State, two hundred dollars.

Agency of Foreign Brewery. For each agency established and operated in this State by a foreign brewer or foreign wholesale dealer or jobber of any foreign beers or malted liquors, twenty-five dollars.

Wholesale Dealer in Wines, Ales. For each resident wholesale dealer of wines, ales or any vinous liquors, two hundred dollars: Provided, that in the event of a resident wholesale dealer of wines, ales, or any vinous liquors, is also a wholesale dealer of rectified, blended or compounded single stamp spirits or of straight distilled spirits, but one license tax shall be paid, and which shall not be less than three hundred and fifty dollars.

Foreign Wholesale Dealer in Wines, Ales or Mineral Waters. For each foreign wholesale dealer or jobber of wines, ales, mineral waters or vinous liquors, two hundred dollars.

Broker Selling Straight Whiskey. For each broker or commission merchant selling straight whiskey, and who does not handle the same, one hundred dollars.

Wholesale Dealer of Blended or Compounded Spirits to Report—Penalty—Jurisdiction. Each resident and foreign wholesale dealer in distilled spirits, blended or compounded single stamp spirits, doing business in this State, shall annually on or before the 10th of July, file with the Auditor of Public Accounts a report, stating his name, principal place of business and the number of barrels of spirits sold for the year ending June 30th of each year and pay into the State Treasury tax for the preceding year based upon the amount of business done during the preceding year. Any corporation, association, company or co-partnership or individual liable for tax provided for, and who shall fail to make the report required and pay license tax into the State Treasury as required, shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered upon indictment in the Franklin Circuit Court.

License Tax—When Due—License to be Posted—Salesman to Carry. All license taxes imposed shall be paid into the State Treasury on or before the 10th day of July of each year, and upon payment of such taxes the Auditor of Public Accounts shall issue receipt to the person paying same, and issue a license in proper form authorizing the person to engage in the business for which the tax was paid, which license shall be conspicuously posted at his principal place of business in this State. Duplicates of the receipts showing payment of license tax and expiration thereof shall be furnished by each foreign dealer having no office in this State to each salesman traveling and operating in this State.

Foreign Dealers in Spirits—When Deemed to do Business in State. Any foreign corporation, association, company, co-partnership or individual who shall, in the usual course of trade, sell in this State distilled spirits, or rectified, blended or compounded single stamp spirits or wines, ales, mineral waters or any vinous liquors, or beers or malted liquors, either upon orders from citizens in this State or through resident agents or through traveling salesmen, shall, for the purpose of this act, be deemed doing business in the State of Kentucky and shall be liable for the license tax imposed and all penalties provided for by law for failure to pay such taxes.

Penalty Against Foreign Dealers Failing to Pay Tax Revenue Agents. In the event any foreign dealer who shall do business in this State, but fail or refuse to pay the license tax imposed, it shall be the duty of any revenue agent in this Commonwealth to file the information with the county court wherein such business may have been transacted and the county court shall have due investigation made in accordance with the information and facts furnished by the revenue agent and shall assess the tax against such foreign dealers, together with twenty per cent penalty due to the revenue agent for his services, and it shall be the duty of such revenue agent to ascertain whether or not such foreign delinquent

has any property in this State and may attach the same in the name of the Commonwealth in any court of competent jurisdiction without being required to execute attachment bond, and collect and pay into the State Treasury any license tax due by such delinquent.

Tax-Brokers—Who Deemed—License Fee—Penalties. Any person or corporation who shall purchase lands sold for taxes due this Commonwealth, as provided in this chapter, shall be deemed a tax-broker whenever the amount of such purchases shall aggregate five hundred dollars, and shall, within fifteen days after the said sale, procure a license as such from the Auditor of Public Accounts. Such tax brokers shall pay for said license an amount equal to fifteen per centum of the aggregate amount of the purchases made by him, and the sales to him shall not become effective until said license shall have been procured. No claim shall be allowed by the Auditor to such purchaser for defects of title, errors of assessment or otherwise.

Any person or corporation who shall fail to procure the license as hereinabove required, or who violates any of the above provisions, shall, on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense.

Mr. Mebley offered the following amendment to said bill:

Amend H. B. 400 by striking out the words in lines 6, 7, 196, 197 and 198, which are the following: "Five dollars per day for each and every day such associations charge for admittance to the grounds," and insert in lieu thereof the following: "Where the inhabitants of the county in which the fair is held are under 20,000, five dollars per day for each and every days such associations charge for admittance to the grounds; where the inhabitants are under 40,000, ten dollars per day; where the inhabitants are under 60,000, fifteen dollars per day; where the inhabitants are under 100,000,

twenty dollars per day; where the inhabitants are 100,000 or over, twenty-five dollars per day. Where there is more than one fair in any one county, the fair which gives the largest total amount of premiums shall pay as specified above, and the other fairs in said county shall pay ten dollars per day.''

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	M. J. Farris, Jr.	J. R. Mount
Geo. B. Barrett	E. V. Hall	Harry J. Meyers
J. M. Billeter	Elwood Hamilton	John E. Newman
Joseph Boitnott	W. L. Hampton	S. Mazyck O'Brien
Elmer L. Brown	V. D. Hammond	William A. Perry
A. T. Bryson	H. H. Hays	John A. Polin
Glover H. Cary	J. J. Huff	J. D. Pumphrey
Ed. F. Cecil	R.B.Hutchcraft,Jr.	Richard Radcliffe
J. G. Coke, Jr.	T. R. Jones	Dr. W. R. Ray
Benj. L. Cox	John A. Judy	Stanley F. Reed
Geo. T. Davis	John H. Klette	S. M. Saufley
James R. Dorman	William J. Kuh	Adam Spahn
John W. Douglas	Simon B. Lott	Ed. D. Stone
John Drescher	C. R. Luker	M. S. Walton, Jr.
John C. Duffy	Dr.J.N.M'Cormack	James T. Webb
William Duffy	Geo. M. McDowell	W. M. Webb
Odie Duncan	W. T. McNally	John F. White
G. P. Durrett	T. T. Mobley	—53

Those who voted in the negative were—

Vert C. Fraser	D. H. Hillman	A. W. Palmer
C. M. Gum	Griffin Kelly	L. M. Smith

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Resolved, That the title thereof be as aforesaid.

Mr. Polin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in that body of the following titles:

S. B. 11. An Act to create a workmen's compensation fund and to provide a method of compensation for employes who may be injured or the dependents of those killed in the course of their employment from said fund, to be raised and paid into the hands of the State Treasurer as herein provided, and to define and fix the rights of employees and employers and to define the defenses that may be made by employers in actions for damages arising from death or personal injury of their employees, and to provide a method of raising said fund, and to create a board of commissioners to administer said fund and to define the rights, powers and duties of said board of commissioners.

S. B. 246. An Act to amend Section 965 of Sub-division 1 of Article 2 of Chapter 35 of the Kentucky Statutes, Carroll's Edition 1909, and the amendment to said act which became a law March 14th, 1912, insofar as said section and amendment applies to the holding of circuit courts in the counties of Lee, Estill, Breathitt and Wolfe in the twenty-third Judicial District.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 355. An Act amending Section 839, Sub-section 4, Article 5, Chapter 32, of the Kentucky Statutes, Carroll's Edition 1909, relating to condemnation of land.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 839, Sub-division 4, Article 5, Chapter 32, of the Kentucky Statutes, Carroll's Edition 1909, relating to condemnation of land, be amended by adding the following words to said Section 839, namely:

"Provided, however, if it fails to pay said money into court and take possession of the land condemned within twelve months after the date of the confirmation and judgment in the county court, its right to so take said land thereunder shall cease and such orders of confirmation and judgment shall become null and void," so that said section as amended will read as follows:

Section 839. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be impaneled to try the issues of fact made by the exceptions, and each juror shall be allowed one dollar per day for his services, to be taxed as cost. In assessing the damages the jury shall be governed by the rule prescribed in Section 836 of this law, and upon the request of either party may be sent by the court, in charge of the sheriff, to view the land or material. If sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title upon the payment of the damages assessed. Either party may appeal to the circuit court, by executing bond as

required in other cases, within thirty days, and the appeal shall be tried de novo, upon the confirmation of the report of the commissioners by the county court, or the assessment of damages by said court, as herein provided, and the payment of the owners of the amount due, as shown by the report of the commissioners when confirmed, as shown by the judgment of the county court when the damages are assessed by the court, and all the cost adjudged to the owner, the railroad company shall be entitled to take possession of said land and material, and to use and control the same for the purpose for which it was condemned as fully as if the title had been conveyed to it. But when an appeal shall be taken from the judgment of the county court by the company, it shall not be entitled to take possession of the land or material condemned until it shall have paid into court the damages assessed and all costs. All money paid into court under the provisions of this law shall be received by the clerk of the court and held subject to the order of the court, for which he and his sureties on his official bond shall be responsible to the persons entitled thereto. Provided, however, if it fails to pay said money into court, and take possession of the land condemned within twelve months after the date of the confirmation and judgment in the county court, its rights to so take said land thereunder shall cease and such orders of confirmation and judgment shall become null and void.

An emergency is hereby declared to exist and this act shall take effect upon its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	W. L. Hampton	Lyman J. Parrigin
Joseph Boitnott	H. H. Hays	Lilburn Phelps
Elmer L. Brown	W. E. Henninger	William A. Perry
A. T. Bryson	Dr. S. L. Henry	John A. Polin
Glover H. Cary	D. H. Hillman	W. A. Price
Ed. F. Cecil	J. J. Huff	J. D. Pumphrey
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Richard Radcliffe
Benj. L. Cox	T. R. Jones	Dr. W. R. Ray
Geo. T. Davis	Griffin Kelly	Stanley F. Reed
James R. Dorman	John H. Klette	B. T. Rountree
John Drescher	William J. Kuh	S. M. Saufley
John C. Duffy	Simon B. Lott	L. M. Smith
William Duffy	C. R. Luker	Ed. D. Stone
Odie Duncan	Dr.J.N.M'Cormack	Louis Tieman
M. J. Farris, Jr.	Geo. M. McDowell	M. S. Walton, Jr.
Vert C. Fraser	W. T. McNally	James T. Webb
Frank C. Greene	John G. Miller, Jr.	W. M. Webb
C. M. Gum	J. R. Mount	John F. White
E. V. Hall	John E. Newman	N. B. White
Elwood Hamilton	S. Mazyck O'Brien	—59

Those voting in the negative were—

John W. Douglas	G. P. Durrett	—2

Resolved, That the title thereof be as aforesaid.

Mr. J. T. Webb moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 138. An Act to amend Section 4383, Chapter 113 of the Kentucky Statutes, Carroll's Edition, so as to add the elements of agriculture and domestic science to the course of study prescribed for the common schools.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4383 of Chapter 113 of the Kentucky Statutes, Carroll's Edition, be stricken out and that there be enacted in lieu of same the following:

"The instruction prescribed by the board shall embrace spelling, reading, writing, arithmetic, English grammar, English composition, geography, physiology and hygiene, civil government, United States history, the history of Kentucky, the elements of agriculture and the elements of domestic science. After July first, one thousand eight hundred and ninety-three, the nature and effect of alcoholic drinks and narcotics upon the human system shall, in all schools supported wholly or in part by the State, be taught as thoroughly as other required studies to all pupils studying physiology and hygiene as a part of this branch."

§ 2. Since the State adoption of text books must be made between April first and July first, 1914, it becomes necessary that this bill shall take effect prior to this time, if a text book on agriculture and a text book on domestic science are to be adopted at the same time as text books on other subjects provided for in the course of study, therefore an emergency is declared to exist and this bill shall take effect immediately upon its passage and approval by the Governor.

Mr. Hammond offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4383 of Chapter 113 of the Kentucky Statutes, Carroll's Edition, be stricken out and that there be enacted in lieu of same the following:

"The instruction prescribed by the board shall embrace spelling, reading, writing, arithmetic, English grammar, English Composition, geography, physiology and hygiene, civil government, United States History, the history of Kentucky, the elements of agriculture and the elements of domestic science, 'but no text books in either agriculture or domestic science shall be required in the classes in these subjects.' After July first, one thousand eight hundred and ninety-three, the nature and effect of alcoholic drinks and norcotics upon the human system shall, in all schools supported wholly or in part by the State, be taught as thoroughly as other required studies to all pupils studying physiology and hygiene as a part of this branch."

Said amendment by way of substitute was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Joseph Boitnott	V. D. Hammond	Lilburn Phelps
Elmer L. Brown	H. H. Hays	William A. Perry
A. T. Bryson	Dr. S. L. Henry	John A. Polin
Glover H. Cary	D. H. Hillman	W. A. Price
Ed. F. Cecil	J. J. Huff	J. D. Pumphrey
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Richard Radcliffe
Benj. L. Cox	T. R. Jones	Dr. W. R. Ray
Geo. T. Davis	John A. Judy	Stanley F. Reed
James R. Dorman	William J. Kuh	S. M. Saufley
John W. Douglas	J. C. Lay	L. M. Smith
John C. Duffy	C. R. Luker	Adam Spahn
William Duffy	Dr.J.N.M'Cormack	M. S. Walton, Jr.
G. P. Durrett	Geo. M. McDowell	James T. Webb
Vert C. Fraser	W. T. McNally	W. M. Webb
Frank C. Greene	John G. Miller, Jr.	John F. White
C. M. Gum	J. R. Mount	N. B. White
E. V. Hall	John E. Newman	Douglas G. Wood
Elwood Hamilton	S. Mazyck O'Brien	
W. L. Hampton	A. W. Palmer	—55

Those voting in the negative were—

Geo. B. Barrett	John H. Klette	Lyman J. Parrigin
John Drescher		—4

Resolved, That the title thereof be as aforesaid.

Mr. Hammond moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 193. An Act relating to stub books of regular and primary elections in this Commonwealth.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county court clerk of each county in this State to preserve in his office the stub books used in all regular and primary elections for a period of two years after each election, after which time said clerk shall have same destroyed, provided there is no litigation pending at said time affecting the election at which time said stub books were used, and in that event same shall be destroyed immediately after the final settlement of such litigation.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Joseph Boitnott	Benj. L. Cox
Harry Avery	Elmer L. Brown	Geo. T. Davis
Wallace Bailey	A. T. Bryson	James R. Dorman
Geo. B. Barrett	Glover H. Cary	John W. Douglas
J. M. Billeter	J. G. Coke, Jr.	John Drescher

H. C. Duffy	T. R. Jones	J. D. Pumphrey
John C. Duffy	John A. Judy	Richard Radcliffe
William Duffy	Griffin Kelly	Dr. W. R. Ray
Odie Duncan	William J. Kuh	Stanley F. Reed
G. P. Durrett	J. C. Lay	B. T. Rountree
M. J. Farris, Jr.	C. R. Luker	S. M. Saufley
W. N. Flippin	Dr. J.N.M'Cormack	L. M. Smith
Frank C. Greene	Geo. M. McDowell	Adam Spahn
C. M. Gum	W. T. McNally	Ed. D. Stone
E. V. Hall	John G. Miller, Jr.	W. T. Stott
Elwood Hamilton	T. T. Mobley	Louis Tieman
W. L. Hampton	J. R. Mount	N. C. Tilford
V. D. Hammond	John E. Newman	M. S. Walton, Jr.
H. H. Harrington	S. Mazyck O'Brien	James T. Webb
H. H. Hays	A. J. Oliver	W. M. Webb
W. E. Henninger	A. W. Palmer	John F. White
Dr. S. L. Henry	Lyman J. Parrigin	N. B. White
D. H. Hillman	Lilburn Phelps	Douglas G. Wood
J. J. Huff	William A. Perry	
R.B.Hutchcraft, Jr.	John A. Polin	—74

Those voting in the negative were—

J. B. Harvey	M. O. Wilson	—2

Resolved, That the title thereof be as aforesaid.

Mr. Lay moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 47. An Act to change the court calendar of the Thirteenth Judicial District.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Act entitled "An Act to change the court calendar of the Thirteenth (13th) Judicial District," approved March 18, 1908, be and the same is hereby repealed; and in lieu thereof, is enacted the following:

"Thirteenth Judicial District—

"Boyle County, at Danville, on the first Monday in January; on the second Monday in April, and on the second Monday in September, and continue eighteen juridical days each.

"Mercer County, at Harrodsburg, on the fourth Monday in January, and the first Monday in May, and continue eighteen juridical days each; and on the first Monday in October, and continue twenty-four juridical days.

"Lincoln County, at Stanford, on the third Monday in February, and continue twelve juridical days; on the fourth Monday in May and first Monday in November, and continue eighteen juridical days.

"Garrard County, at Lancaster, on the first Monday in March; the third Monday in August, and the fourth Monday in November, and continue eighteen juridical days each."

§ 2. Whereas, it is necessary that the courts of the counties mentioned in this act be re-arranged to facilitate the transaction of business therein, and in order to prevent a conflict and confusion in the terms of said court; and whereas, the terms of the Garrard Circuit Court—being the only court one of whose terms is changed by this act—now held in June makes it very difficult to transact business without gross inconvenience and detriment to the farmers then necessarily busy in their crops, an emergency is declared to exist and this act shall take effect and be in full force from and after its passage.

The Committee on Circuit Courts offered the following amendment to said bill:

Amend by Adding:

"Section 2. In the event that the last six judicial days of the October term of the Mercer Circuit Court shall not be needed by said court for the transaction of its business, then said six days may be used by the Boyle Circuit Court for a special term of same."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	John Drescher	E. V. Hall
Harry Avery	H. C. Duffy	Elwood Hamilton
Wallace Bailey	John C. Duffy	W. L. Hampton
Henry C. Blades	William Duffy	V. D. Hammond
Elmer L. Brown	Odie Duncan	H. H. Harrington
A. T. Bryson	G. P. Durrett	H. H. Hays
C. W. Burton	Thomas J. Evans	W. E. Henninger
Glover H. Cary	M. J. Farris, Jr.	Dr. S. L. Henry
J. G. Coke, Jr.	W. N. Flippin	D. H. Hillman
Geo. T. Davis	Ed. Frost	J. J. Huff
James R. Dorman	Frank C. Greene	R.B.Hutchcraft,Jr.
John W. Douglas	C. M. Gum	T. R. Jones

John A. Judy	John E. Newman	Stanley F. Reed
Griffin Kelly	S. Mazyck O'Brien	B. T. Rountree
William J. Kuh	A. W. Palmer	A. W. Sharp
J. C. Lay	Lyman J. Parrigin	Adam Spahn
C. R. Luker	Lilburn Phelps	Louis Tieman
Dr.J.N.M'Cormack	William A. Perry	M. S. Walton, Jr.
Geo. M. McDowell	John A. Polin	James T. Webb
W. T. McNally	Dr. T. J. Poteet	W. M. Webb
John G. Miller, Jr.	W. A. Price	N. B. White
T. T. Mobley	J. D. Pumphrey	M. O. Wilson
J. R. Mount	Richard Radcliffe	Douglas G. Wood
Harry J. Meyers	Dr. W. R. Ray	—71

Those who voted in the negative were—

Geo. B. Barrett	Vert C. Fraser	Ed. D. Stone
Joseph Boitnott	John F. Fryer	John F. White
		—6

Resolved, That the title thereof be as aforesaid.

Mr. Mount moved that the vote by which said was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 406. An Act to regulate liability of common carriers upon intrastate shipments.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any common carrier, railroad, or transportation company within this State receiving property for transporta-

tion from one point in this State to another point within this State shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property, caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad or transportation company from the liability hereby imposed; and such contract shall be construed to be, as between the shipper and the carrier to whom the goods are delivered, a contract by said carrier to deliver said goods at the point of destination. Provided that nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Elwood Hamilton	Lyman J. Parrigin
Harry Avery	W. L. Hampton	Lilburn Phelps
Geo. B. Barrett	J. B. Harvey	William A. Perry
Henry C. Blades	H. H. Hays	John A. Polin
Elmer L. Brown	W. E. Henninger	W. A. Price
A. T. Bryson	Dr. S. L. Henry	J. D. Pumphrey
Glover H. Cary	D. H. Hillman	Richard Radcliffe
Ed. F. Cecil	R.B.Hutchcraft,Jr.	Dr. W. R. Ray
J. G. Coke, Jr.	T. R. Jones	Stanley F. Reed
Geo. T. Davis	John A. Judy	S. M. Saufley
James R. Dorman	Griffin Kelly	L. M. Smith
John W. Douglas	J. C. Lay	Adam Spahn
John Drescher	C. R. Luker	M. S. Walton, Jr.
H. C. Duffy	Dr.J.N.M'Cormack	James T. Webb
William Duffy	Geo. M. McDowell	W. M. Webb
G. P. Durrett	W. T. McNally	John F. White
M. J. Farris, Jr.	John G. Miller, Jr.	M. O. Wilson
Vert C. Fraser	J. R. Mount	Douglas G. Wood
C. M. Gum	John E. Newman	
E. V. Hall	S. Mazyck O'Brien	—58

Those who voted in the negative were—

Wallace Bailey	C. W. Burton	H. H. Harrington
J. M. Billeter	Odie Duncan	Ed. D. Stone
Joseph Boitnott	Frank C. Greene	Louis Tieman
		—9

Resolved, That the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 524. An Act to provide for the election of alumni members to the Board of Trustees of the State University, Lexington, Kentucky, and for the appointment of such alumni members on the executive committee of the University.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be added to the Board of Trustees of the State University, Lexington, Kentucky, six (6) additional members who shall be graduates of the University and not less than thirty (30) years of age. The said six (6) additional members of the Board of Trustees of the University shall be nominated and elected by ballot by the graduates of the University and by those who have received degrees therefrom in a method as herein and after set forth. Provided that no graduate shall be permitted to vote during the year of graduation. The persons who have received a plurality of the votes cast shall serve as such additional members of the Board of Trustees of the University and shall have all of the rights, powers and privileges that are now conferred by law.

§ 2. The nomination and election of such additional trustees held hereunder shall be held biennially, under rules and regulations prescribed by the Board of Trustees, and all nominating ballots and all election ballots shall be publicly opened on fixed and published days. At least sixty (60) days shall intervene between the mailing and opening of both nominating and election ballots, and such ballots shall be mailed, by the Secretary of the Board of Trustees, to each person entitled to vote at his address as appears from the books of the University, and except in the year 1914, the date fixed for election shall be the day before the regular commencement exercises at the University, and no ballot shall be counted unless it is actually cast by noon of said date. In case of an equality of votes between two or more candidates, the persons

who shall hold said office of Trustee shall be designated by lot from among the persons receiving such equality of votes. The Governor of the Commonwealth, upon proper certification by the Secretary of the Board of Trustees shall issue a commission in the name of the Commonwealth to such additional members of the said Board of Trustees.

§ 3. On or before December first, in the year 1914, and in a manner as provided in Section 2 of this Act, such six (6) additional members of the Board of Trustees shall be nominated and elected, and the two (2) receiving the highest number of votes shall hold office for six (6) years, the two (2) receiving the next highest number of votes shall hold office for four (4) years, and the two (2) receiving the next highest number of votes shall hold office for two (2) years. Biennially thereafter the alumni of State University shall nominate and elect, by a plurality of votes, as provided in Section 2 of this Act, two (2) members to serve for a period of six (6) years; provided that whenever a vacancy occurs from death, resignation, or other cause, the Board of Trustees shall appoint a graduate, as provided in Section 1 of this Act, until the next regular election, when such vacancy shall be then filled by nomination and election for the unexpired term in the manner as provided in Section 2 of this Act.

§ 4. The Board of Trustees, at its first meting in the year 1915, shall elect an executive committee which shall consist of seven (7) members, three (3) of whom shall be graduates of the University, any four (4) of whom shall constitute a quorum.

§ 5. In all appointments made hereafter by the Governor of the Commonwealth of Kentucky to the Board of Trustees of the State University, other than those elected by the alumni, one-fifth (1-5) of such number appointed shall be alumni of the said institution.

§ 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

The Committee on State University and Normal Schools offered the following amendments to said bill, viz.:

Amend by striking out the last sentence of Section 1 and inserting in lieu thereof the following: "The names of the persons who have received a plurality of the votes cast shall be certified to the Governor by way of recommendation for appointment, who shall appoint the persons so recommended as such additional members of the Board of Trustees of the University and shall have all of the rights, powers and privileges that are now conferred by law."

Amend Section 4 so that it will read as follows: "The Board of Trustees, at its first meeting in the year 1915, shall elect an Executive Committee which shall consist of seven (7) members, three (3) of whom shall be from those graduates of the University appointed from the alumni recommendations, any four (4) of whom shall constitute a quorum."

Said amendments were agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	Henry C. Blades	C. W. Burton
Wallace Bailey	Joseph Boitnott	Glover H. Cary
Geo. B. Barrett	Elmer L. Brown	Ed. F. Cecil
J. M. Billeter	A. T. Bryson	J. G. Coke, Jr.

Benj. L. Cox	T. R. Jones	J. M. Johnson
Geo. T. Davis	John A. Judy	Richard Radcliffe
James R. Dorman	Griffin Kelly	Dr. W. R. Ray
John W. Douglas	John H. Klette	S. H. Rogers
John Drescher	William J. Kuh	B. T. Rountree
John C. Duffy	J. C. Lay	S. M. Saufley
William Duffy	C. R. Luker	A. W. Sharp
G. P. Durrett	Dr. J.N.M'Cormack	L. M. Smith
Thomas J. Evans	Geo. M. McDowell	Adam Spahn
M. J. Farris, Jr.	W. T. McNally	Ed. D. Stone
W. N. Flippin	T. T. Mobley	W. T. Stott
Vert C. Fraser	J. R. Mount	Louis Tieman
Ed. Frost	Harry J. Meyers	N. C. Tilford
E. V. Hall	John E. Newman	M. S. Walton, Jr.
W. L. Hampton	S. Mazyck O'Brien	James T. Webb
V. D. Hammond	A. J. Oliver	W. M. Webb
Dr. S. L. Henry	A. W. Palmer	N. B. White
D. H. Hillman	William A. Perry	M. O. Wilson
J. J. Huff	John A. Polin	
R.B.Hutchcraft,Jr.	J. D. Pumphrey	—70

There voted in the negative—

Lyman J. Parrigin —1

Resolved, That the title thereof be as aforesaid.

Mr. Douglas moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, MARCH 14, 1914.

The House was opened with prayer by the Rev. F. W. Eberhardt, of the First Baptist Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The House took up for consideration from the calendar bills of the following titles:

S. B. 270. An Act requiring tobacco warehousemen handling loose leaf tobacco to post on their premises the number of pounds and the price thereof of each day's sales and prescribing penalties.

S. B. 358. An Act to amend Section 747, Sub-division 8, Chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, deputy and clerks.

S. B. 217. An Act authorizing the Commissioners of the Sinking Fund of Kentucky to sell and convey the House and ground known as the Governor's old mansion, and appropriating money to complete and furnish the Governor's new mansion.

S. B. 148. An Act concerning illiteracy in the State of Kentucky and to provide for the creation of a commission to be known as the Kentucky Illiteracy Commission and to provide for the duties and powers thereof.

S. B. 29. An Act to conserve, protect and regulate the

catching of mussel shells in the Ohio River, within the border of Kentucky.

S. B. 39. An Act defining public roads; providing for their establishment, regulation, use and maintenance; and creating the office of County Road Engineer, and prescribing the duties thereof.

S. B. 215. An Act to repeal an act entitled "An Act to amend the charter of the Twelve-Mile Turnpike Company," approved January 22, 1867, and is chapter 1069 of the Session Act of 1867, and is Chapter 62 of the Session Act of 1898.

An Act to regulate the labor and employment of children and minors and to make the provisions thereof effective.

S. B. 130. An Act to amend Section 3 of Chapter 72 of the Acts of 1910.

S. B. 15. An Act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first class.

S. B. 115. An Act regarding the running at large of chickens, ducks or other fowls in the cities of the first class.

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory and the Kentucky Penitentiary at Eddyville, Kentucky, for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky Penitentiary; and declaring the lands so leased public works of the Commonwealth of Kentucky.

S. B. 250. An Act to repead Chapter 118 of the Acts of 1910, and Sub-sections 3, 4 and 5 of Section 20 of Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20 of Chapter 65a of the Kentucky Statutes, 1909 Edition; to provide for the maintenance of the House of Reform for Boys and the House of Reform for Girls and the inmates thereof, and to provide for the payment into the State Treasury of the revenues derived from said Houses of Reform.

S. B. 94. An Act to further regulate the commission of inmates to the House of Reform.

S. B. 268. An Act to amend an Act of March 5, 1898, entitled "An Act to create a Board of Penitentiary Commissioners and to regulate the penal institutions of this Commonwealth," as further amended by an Act of March 1, 1912, and to provide for the discontinuance of the contract system of prison labor.

S. B. 269. An Act relating to liens of employees and materialmen on property of railroads and other improvement companies.

S. B. 2. An Act to amend Sections 4464, 4464a, 4480, 4482, Article 10, Kentucky Statutes, Carroll's Edition 1909, and repealing Section 4464b thereof, and amending said Article 10 of said Statutes relating to schools by adding thereto Section 4500b.

S. B. 321. An Act to further regulate the operation of coal mines; to provide a more efficient supervision and regulation of such mines; to fix the salaries of the Chief Inspector and the assistant inspectors of mines; and to otherwise provide for greater protection to the lives and health of persons employed in and about the coal mines in this State.

H. B. 343. An Act creating a Board of Opticians and regulating the fitting of glasses.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

Mr. Harry J. Meyers called up for consideration from the clerk's desk a resolution of the following title:

H. Res. 39. Resolution authorizing the Auditor of Public Accounts to pay to A. E. Barrett the sum of $253.80 for teaching.

(For said resolution see Journal of March 13th.)

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Benj. L. Cox	W. N. Flippin
Harry Avery	James R. Dorman	Vert C. Fraser
Geo. B. Barrett	John W. Douglas	John F. Fryer
J. M. Billeter	John Drescher	C. M. Gum
Joseph Boitnott	H. C. Duffy	E. V. Hall
Elmer L. Brown	John C. Duffy	W. L. Hampton
A. T. Bryson	William Duffy	J. B. Harvey
C. W. Burton	Odie Duncan	H. H. Hays
Glover H. Cary	G. P. Durrett	W. E. Henninger
Ed. F. Cecil	Thomas J. Evans	Dr. S. L. Henry

D. H. Hillman	Zach. L. Myers	A. W. Sharp
J. M. Johnson	S. Mazyck O'Brien	W. A. Shawler
T. R. Jones	A. J. Oliver	Adam Spahn
John A. Judy	A. W. Palmer	Ed. D. Stone
William J. Kuh	Lilburn Phelps	Louis Tieman
J. C. Lay	William A. Perry	N. C. Tilford
Simon B. Lott	John A. Polin	M. S. Walton, Jr.
C. R. Luker	Dr. T. J. Poteet	W. M. Webb
Dr.J.N.M'Cormack	W. A. Price	John F. White
Geo. M. McDowell	J. D. Pumphrey	M. O. Wilson
John G. Miller, Jr.	B. T. Rountree	
Harry J. Meyers	S. M. Saufley	—64

Those voting in the negative were—

J. G. Coke, Jr.	J. R. Mount	W. T. Stott
M. J. Farris, Jr.	John E. Newman	James T. Webb
John H. Klette	Dr. W. R. Ray	J. D. Wills
		—9

And so said resolution was adopted.

Mr. Saufley called up for consideration from the Clerk's desk a resolution of the following title:

H. Res. 25. Resolution for the benefit of Mrs. Ida Turley.

(For said resolution see House Journal of Feb. 18th.)

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Wallace Bailey	Geo. B. Barrett
Harry Avery	Jas. W. Barrall	J. M. Billeter

Henry C. Blades	H. H. Hays	Lilburn Phelps
Joseph Boitnott	W. E. Henninger	William A. Perry
Elmer L. Brown	Dr. S. L. Henry	John A. Polin
C. W. Burton	D. H. Hillman	Dr. T. J. Poteet
Ed. F. Cecil	J. J. Huff	Stanley F. Reed
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	W. E. Rogers
Benj. L. Cox	J. M. Johnson	B. T. Rountree
Geo. T. Davis	T. R. Jones	S. M. Saufley
James R. Dorman	John A. Judy	A. W. Sharp
John W. Douglas	J. C. Lay	L. M. Smith
H. C. Duffy	C. R. Luker	Adam Spahn
William Duffy	Dr.J.N.M'Cormack	W. T. Stott
Odie Duncan	Geo. M. McDowell	Louis Tieman
M. J. Farris, Jr.	John McDyer	N. C. Tilford
John F. Fryer	W. T. McNally	M. S. Walton, Jr.
C. M. Gum	T. T. Mobley	James T. Webb
E. V. Hall	Zach. L. Myers	W. M. Webb
W. L. Hampton	John E. Newman	N. B. White
V. D. Hammond	S. Mazyck O'Brien	M. O. Wilson
J. B. Harvey	A. J. Oliver	Roy S. Wilson

—66

Those voting in the negative were —

John C. Duffy	J. R. Mount	John F. White
G. P. Durrett	W. A. Price	
Griffin Kelly	Dr. W. R. Ray	

—7

And so said resolution was adopted.

Mr. Hamilton moved to extend the session indefinitely.

Said motion was agreed to.

Mr. Smith called up from the Clerk's desk for consideration a resolution of the following title:

S. Res. 21. Joint resolution concerning the preservation of public historical records.

(For said resolution see House Journal of Feb. 18th.)

Mr. Evans moved that said resolution be tabled.

Said motion was agreed to.

Mr. Burton called up for consideration from the Clerk's desk a resolution of the following title:

S. Res. 8. Resolution for the payment of widow of the late Special Judge William Carnes, of the Breathitt Circuit Court.

(For said resolution see House Journal of Feb. 25th.)

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	John C. Duffy	William J. Kuh
Harry Avery	William Duffy	J. C. Lay
Geo. B. Barrett	Odie Duncan	Dr.J.N.M'Cormack
J. M. Billeter	G. P. Durrett	Geo. M. McDowell
Henry C. Blades	Thomas J. Evans	John McDyer
Joseph Boitnott	Ed. Frost	T. T. Mobley
A. T. Bryson	John F. Fryer	Harry J. Meyers
C. W. Burton	Frank C. Greene	Zach. L. Myers
Glover H. Cary	V. D. Hammond	John E. Newman
Ed. F. Cecil	J. B. Harvey	S. Mazyck O'Brien
J. G. Coke, Jr.	H. H. Hays	A. J. Oliver
Geo. T. Davis	J. J. Huff	A. W. Palmer
James R. Dorman	R.B.Hutchcraft,Jr.	Lyman J. Parrigin
John W. Douglas	T. R. Jones	Lilburn Phelps
John Drescher	John A. Judy	John A. Polin
H. C. Duffy	John H. Klette	Dr. T. J. Poteet

Stanley F. Reed	Adam Spahn	N. B. White
W. E. Rogers	W. T. Stott	M. O. Wilson
S. M. Saufley	N. C. Tilford	Roy S. Wilson
A. W. Sharp	W. M. Webb	
L. M. Smith	John F. White	—61

Those voting in the negative were—

Benj. L. Cox	Dr. S. L. Henry	M. S. Walton, Jr.
W. N. Flippin	J. R. Mount	James T. Webb
W. L. Hampton	Dr. W. R. Ray	J. D. Wills
		—9

And so said resolution was adopted.

Mr. Harry J. Meyers called up for consideration, a resolution of the following title:

H. Res. 33. Resolution for the benefit of Mrs. Mary Stivers and Mrs. Myrtle Perry, and appropriating to them one hundred dollars for efficient services rendered to the State of Kentucky.

(For said resolution see House Journal of March 9th.)

Mr. Walton moved that said resolution be tabled.

Said motion was disagreed to.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elmer L. Brown	John W. Douglas
Wallace Bailey	C. W. Burton	H. C. Duffy
J. M. Billeter	J. G. Coke, Jr.	John C. Duffy

William Duffy	J. C. Lay	W. E. Rogers
G. P. Durrett	Dr.J.N.M'Cormack	B. T. Rountree
W. N. Flippin	John McDyer	A. W. Sharp
John F. Fryer	W. T. McNally	Adam Spahn
C. M. Gum	Harry J. Meyers	Louis Tieman
Elwood Hamilton	S. Mazyck O'Brien	N. C. Tilford
V. D. Hammond	A. J. Oliver	James T. Webb
J. B. Harvey	Lilburn Phelps	W. M. Webb
Dr. S. L. Henry	John A. Polin	John F. White
J. J. Huff	Dr. T. J. Poteet	N. B. White
T. R. Jones	W. A. Price	Roy S. Wilson
John A. Judy	J. D. Pumphrey	
William J. Kuh	Richard Radcliffe	—46

Those voting in the negative were—

Harry Avery	W. L. Hampton	J. R. Mount
Jas. W. Barrall	H. H. Hays	John E. Newman
Joseph Boitnott	W. E. Henninger	Dr. W. R. Ray
Glover H. Cary	D. H. Hillman	W. A. Shawler
Ed. F. Cecil	R.B.Hutchcraft,Jr.	Ed. D. Stone
Benj. L. Cox	J. M. Johnson	W. T. Stott
Thomas J. Evans	Griffin Kelly	M. S. Walton, Jr.
M. J. Farris, Jr.	John H. Klette	J. D. Wills
Vert C. Fraser	Simon B. Lott	
E. V. Hall	T. T. Mobley	—28

And so said resolution, not having received the vote required by the Constitution, was disagreed to.

Mr. Walton moved to reconsider the vote by which said resolution was disagreed to.

Said motion was agreed to.

Mr. Hutchcraft offered the following resolution:

Whereas, the printed copies of H. B. 387 placed on the

desks of members of the Senate contain the words "except counties containing cities of the first and second classes" and the words "in all counties except counties having cities of the first and second class," and

Whereas, the Minute Book of the House Clerk shows that the vote by which those words were inserted was reconsidered, and

Whereas, when said bill passed the House, every member of this body understood that it did not contain those words;

Be it resolved: 1. That the House suggest to the Senate that H. B. 387 be amended by striking out said words.

2. That should said bill be passed by the Senate and should the enrolled bill contain said words, the Speaker is instructed not to sign such enrolled bill.

3. That the Clerk is instructed to take a copy of this resolution to the Senate with the request that it be reported in full, printed and placed upon the desk of each member of the Senate.

Mr. Walton moved the previous question.

Mr. McCormack offered the following amendment to said resolution:

That a copy of the minutes of the Clerk showing the order of introduction, disposition and order of passage or rejection of amendments be printed herewith, together with the final vote and motion to reconsider and lay upon the table and that this House go on record as believing in the integrity, competency and fitness of the Clerk of this House and express to the Senate the confidence of the House that said bill was correctly engrossed in accordance with the expressed will of the House as indicated by the final vote upon H. B. 387.

Mr. J. C. Duffy moved that said resolution and amendment be referred to a special committee of three to be ap-

pointed by the Speaker of the House to ascertain whether or not the Clerk of the House has correctly engrossed H. B. 387.

Said motion was agreed to.

Thereupon, and in accordance with said motion, the Speaker of the House appointed as such committee, Messrs. J. C. Duffy, R. B. Hutchcraft and J. E. Newman.

Mr. McCormack offered the following resolution:

Whereas, the attacks on the State Board of Health, both direct and indirect, have consumed much of the time of this and the last House, and have now been renewed; and

Whereas, the House referred a report of the State Inspector in this matter to the Attorney General at the beginning of this session with instructions to take such action as the law and interests of the State demanded; and

Whereas, this session of the General Assembly is approaching its close and as almost two months have elapsed since said report was referred to the Attorney General and he has had time to consider same; therefore,

Be it resolved, That the Attorney General is hereby requested and instructed to transmit forthwith any report or brief prepared in his department relating to the affairs of the State Board of Health.

Said resolution was adopted.

Mr. Hamilton moved that when this House recess it be to meet at 7:30 p. m. today for the purpose of receiving reports of committees and calling the calendar only.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 53. A bill to postpone date of payment of taxes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4130 of the Kentucky Statutes, Carroll's 1909 edition, be, and the same is hereby amended and changed so as to read as follows:

The sheriff or collector shall, on or before the first day of June next succeeding his election, and on or before the said day annually thereafter, enter into bonds with surety for the faithful performance of his duties. A quietus by the Auditor of Public Accounts, and from the fiscal court of his county for the preceding year shall be produced by each sheriff or collector to the County Court on or before that day, and no tax book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he receives his certificate of election up to and including the first day of June succeeding his election, and it shall be the duty of the Judge of the County Court to hold a court at any time the sheriff may request for that purpose. The County Judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payments of all their debts and liabilities, a sum equal to the aggregate amount of money which may probably be received by the sheriff or collector during the year succeeding the execution of the bond. The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff or collector, or for which he may be liable to them, respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of

the office of sheriff or collector, or a de facto sheriff or collector, or any person who may act as sheriff or collector. Also, that an Act approved March 12, 1912, entitled, "Act to amend section 4143 of the Kentucky Statutes, the same being Chapter 40 of the 1912 Acts, together with said section 4143 of the Kentucky Statutes, be, and the same are hereby amended and changed so as to read as follows: The sheriff or collector of the State revenue in each county of this Commonwealth, shall, on the first day of August, September, October, November, December, January, February and March, under oath report to the Auditor of Public Accounts the amount of all taxes and pay the same immediately, and shall account for and pay all taxes which he has collected for the State into the State Treasury by the first day of March in each year; and upon his failing to do so he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the Grand Jury of Franklin County, at the next term of said court after such failure to report, the name of such sheriff or collector so failing to report. The sheriff or collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the 31st day of March in each year. The Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this Act.

Further: That Section 4148 of the Kentucky Statutes, Carroll's 1909 edition, be, and the same is hereby amended and changed so as to read as follows:

All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of June after the assessment, and all taxpayers whose taxes are not paid on the first day of March after the same are due shall be deemed delinquent, and such taxes shall

bear interest at the rate of six per cent per annum from the first day of March after they are due until paid; and any person or persons failing to pay their taxes by the first day of March in the year following the assessment for such taxes shall pay a penalty of six per centum additional on the taxes due and unpaid. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Odie Duncan	T. R. Jones
Harry Avery	W. N. Flippin	Griffin Kelly
Henry C. Blades	John F. Fryer	John H. Klette
Joseph Boitnott	Frank C. Greene	J. C. Lay
Elmer L. Brown	C. M. Gum	Simon B. Lott
A. T. Bryson	E. V. Hall	C. R. Luker
C. W. Burton	W. L. Hampton	Geo. M. McDowell
Glover H. Cary	V. D. Hammond	John McDver
Ed. F. Cecil	H. H. Harrington	W. T. McNally
J. G. Coke, Jr.	J. B. Harvey	John G. Miller, Jr.
Benj. L. Cox	H. H. Hays	T. T. Mobley
John W. Douglas	W. E. Henninger	S. Mazyck O'Brien
John Drescher	Dr. S. L. Henry	A. J. Oliver
H. C. Duffy	D. H. Hillman	A. W. Palmer
William Duffy	J. M. Johnson	William A. Perry

John A. Polin	W. E. Rogers	Louis Tieman
Dr. T. J. Poteet	B. T. Rountree	James T. Webb
W. A. Price	A. W. Sharp	John F. White
J. D. Pumphrey	W. A. Shawler	N. B. White
Richard Radcliffe	L. M. Smith	Roy S. Wilson
Stanley F. Reed	Ed. D. Stone	
S. H. Rogers	W. T. Stott	—64

Those voting in the negative were—

John C. Duffy	Lilburn Phelps	J. D. Wills
J. R. Mount	Dr. W. R. Ray	—5

Resolved, That the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 81. An Act to provide the time and manner of electing United States Senators.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. One United States Senator shall be elected at the regular November election, 1914, who shall hold his office for six years, and one United States Senator shall be elected at the regular November election, 1918, who shall hold his office for a period of six years.

The names of candidates for United States Senator shall

be placed on the ballot in the same way that the names of candidates for State officers are placed on the ballot, and the election for United States Senators shall be held in the same manner and by the same officers as the election for State officers. The returns shall be made and certified in the same manner and to the same officers as for State officers, and the State Board of Election Commissioners shall count the returns and issue a certificate to United States Senators the same as to State officers; provided, however, it shall be the duty of the Governor to certify the election of the person so chosen under the seal of the State to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of State. In the election for United States Senator, all electors who are eligible to vote for members in the lower branch of Congress shall be eligible to vote for United States Senator, and the person receiving the highest number of votes shall be declared elected.

§ 2. In case of vacancy in the office of United States Senator, it shall be the duty of the Governor to fill the vacancy by appointment until the next regular election at which members of the lower branch of Congress are elected, and he shall certify the appointment to the President of the Senate of the United States, under the seal of the State, and the certificate of appointment shall be countersigned by the Secretary of State.

§ 3. The same penalties prescribed for offenses against the election law in the election of other officers shall apply to elections for United States Senators.

§ 4. All laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	A. W. Palmer
Harry Avery	W. L. Hampton	William A. Perry
Geo. B. Barrett	H. H. Hays	J. D. Pumphrey
Henry C. Blades	D. H. Hillman	Richard Radcliffe
Joseph Boitnott	J. J. Huff	Stanley F. Reed
Elmer L. Brown	R.B.Hutchcraft,Jr.	W. E. Rogers
A. T. Bryson	J. M. Johnson	A. W. Sharp
C. W. Burton	T. R. Jones	L. M. Smith
Ed. F. Cecil	John A. Judy	Ed. D. Stone
J. G. Coke, Jr.	John H. Klette	W. T. Stott
Benj. L. Cox	William J. Kuh	N. C. Tilford
James R. Dorman	C. R. Luker	M. S. Walton, Jr.
H. C. Duffy	Dr.J.N.M'Cormack	James T. Webb
John C. Duffy	John G. Miller, Jr.	John F. White
William Duffy	J. R. Mount	N. B. White
M. J. Farris, Jr.	Harry J. Meyers	J. D. Wills
John F. Fryer	Zach. L. Myers	Roy S. Wilson
Frank C. Greene	John E. Newman	
E. V. Hall	S. Mazyck O'Brien	—55

There voted in the negative—

C. M. Gum —1

Resolved, That the title thereof be as aforesaid.

Mr. Judy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 303. An Act to amend an Act entitled "An Act to incorporate the Kentucky Institution for the Education of the Blind," and to provide for the regulation thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 300 of the Kentucky Statutes, which is in the following words and figures, to-wit:

"300. Vistors—Board of—Appointment, How Filled—Oath. That said institution shall be under the control, direction, and management of nine citizens of Jefferson County as visitors, who shall hold their office for four years, and until their successors are appointed and qualified. The said visitors shall be nominated by the Governor and approved by the Senate; and in case of any vacancy in the Board of Visitors by death, resignation, removal from the County of Jefferson, or any other cause, the Governor shall be informed of such vacancy by the president or secretary of the Board of Vistors, and the Governor shall appoint some competent person to supply or fill the vacancy for the remainder of the term of the officer of the visitor who may cease to be a member of said board; and such appointment shall be reported by the Governor to the Senate, at the next meeting of the General Assembly after such appointment, for confirmation. Should the Senate reject any nomination made by the Governor, under this Act, he may make other nominations to the Senate, so that said Board of Visitors shall be full at all times. The said visitor shall be commissioned by the Governor, and shall take the oaths of office required by the Constitution of this State, and to 'well and truly discharge the duties of the office

of visitor as required by this Act.' The Governor shall appoint said Board of Visitors as soon as this Act becomes a law."

Be amended to read as follows:

"That said institution shall be under the control, direction, and management of five citizens of Jefferson County as visitors, who shall hold their office for four years, or until their successors are appointed and qualified. The said visitors shall be nominated by the Governor and approved by the Senate; in case of any vacancy in the Board of Visitors by death, resignation, removal from the County of Jefferson, or any other cause, the Governor shall be informed of such vacancy by the president or secretary of the Board of Visitors, and the Governor shall appoint some competent person to supply or fill the vacancy for the remainder of the term of the office of the visitor who may cease to be a member of said board; and such appointment shall be reported by the Governor to the Senate at the next meeting of the General Assembly after such appointment, for confirmation. Said visitor shall be commissioned by the Governor and shall take the oath of office required by the Constitution of this State and to 'well and truly discharge the duties of the office of visitor as required by this Act.' The Governor shall appoint said board of visitors of five as soon as this Act becomes a law."

§ 2. The superintendent of the institution shall at all times be a person with experience and training in the education of the blind, and no person who shall not have had at least five years' experience in the education and training of the blind shall be appointed superintendent of said institution.

§ 3. For cause, at any time, the Governor of the State shall have the right to remove any trustee from office as such visitor, and appoint a successor to such person so removed and shall report the facts concerning such removal and such appointment to the next General Assembly.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	E. V. Hall	A. J. Oliver
Harry Avery	Elwood Hamilton	A. W. Palmer
Geo. B. Barrett	W. L. Hampton	William A. Perry
Joseph Boitnott	H. H. Hays	John A. Polin
Elmer L. Brown	Dr. S. L. Henry	W. A. Price
A. T. Bryson	D. H. Hillman	J. D. Pumphrey
C. W. Burton	J. J. Huff	Richard Radcliffe
Glover H. Cary	R.B.Hutchcraft,Jr.	Stanley F. Reed
Ed. F. Cecil	J. M. Johnson	W. E. Rogers
J. G. Coke, Jr.	T. R. Jones	L. M. Smith
Benj. L. Cox	John A. Judy	Adam Spahn
James R. Dorman	Griffin Kelly	Ed. D. Stone
John W. Douglas	J. C. Lay	W. T. Stott
John Drescher	Simon B. Lott	Louis Tieman
H. C. Duffy	C. R. Luker	N. C. Tilford
John C. Duffy	Dr.J.N.M'Cormack	M. S. Walton, Jr.
William Duffy	John G. Miller, Jr.	James T. Webb
G. P. Durrett	J. R. Mount	John F. White
Thomas J. Evans	Harry J. Meyers	N. B. White
M. J. Farris, Jr.	Zach. L. Myers	J. D. Wills
Ed. Frost	John E. Newman	Roy S. Wilson
John F. Fryer	S. Mazyck O'Brien	—65

Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 25. An Act to repeal Section 950 of the Kentucky Statutes regulating the jurisdiction of the Court of Appeals in civil cases, and to substitute in place thereof the following:

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No appeal shall be taken to the Court of Appeals as a matter of right from a judgment for the recovery of money or real or personal property, or any interest therein, or to enforce any lien thereon, if the value in controversy be less than five hundred dollars, exclusive of interest and costs; nor to reverse a judgment granting a divorce, or punishing contempt; nor from any order or judgment of the county court, except in actions for the division of land and allotment of dower; nor from any order or judgment of the quarterly, city, police, fiscal or justices' court; nor from a bond having the force of a judgment. In all other civil cases the Court of Appeals shall have appellate jurisdiction over the final orders and judgments of the circuit courts: Provided, however, that the Court of Appeals may grant an appeal when it is satisfied from an examination of the record that the ends of justice require that the judgment appealed from should be reversed; or when the construction of validity of a statute or the construction of a section of the Constitution is necessarily and directly put in issue, and a correct decision of the case cannot be had without passing on the validity of the statute or construing the section of the Constitution or statute involved, if the value of the amount or thing in controversy,

exclusive of interest and costs, is as much as two hundred dollars.

§ 2. When the judgment appealed from does not, when construed in connection with the pleadings, certainly fix the value of the amount or thing in controversy, the Court shall, upon the request of either party, state in the judgment the actual value in controversy, and this valuation shall be conclusive of the amount in controversy for the purposes of appeal.

§ 3. When the amount in controversy is as much as two hundred dollars, exclusive of interest and costs, and less than five hundred dollars, a party desiring to prosecute an appeal may do so upon paying the tax and filing the record in the Clerk's office of the Court of Appeals in the time and manner provided in other like cases, and entering a motion that the appeal be granted. If the court decides, after an examination of the record, that the appeal should not be granted, the motion shall be overruled without a written opinion.

Mr. Klette moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, sail bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Geo. B. Barrett	Elmer L. Brown
Jas. W. Barrall	Henry C. Blades	C. W. Burton

Glover H. Cary	W. L. Hampton	William A. Perry
Ed. F. Cecil	R.B.Hutchcraft,Jr.	John A. Polin
J. G. Coke, Jr.	John A. Judy	W. A. Price
Benj. L. Cox	Griffin Kelly	Richard Radcliffe
James R. Dorman	Simon B. Lott	Dr. W. R. Ray
John C. Duffy	W. T. McNally	S. H. Rogers
William Duffy	John G. Miller, Jr.	Ed. D. Stone
Thomas J. Evans	T. T. Mobley	W. T. Stott
Ed. Frost	Zach. L. Myers	M. S. Walton, Jr.
John F. Fryer	John E. Newman	John F. White
Frank C. Greene	S. Mazyck O'Brien	J. D. Wills
E. V. Hall	A. W. Palmer	
Elwood Hamilton	Lilburn Phelps	—43

Those voting in the negative were—

Harry Avery	H. H. Hays	Dr. T. J. Poteet
Joseph Boitnott	W. E. Henninger	Stanley F. Reed
A. T. Bryson	Dr. S. L. Henry	W. E. Rogers
John W. Douglas	D. H. Hillman	B. T. Rountree
John Drescher	J. J. Huff	S. M. Saufley
H. C. Duffy	J. M. Johnson	A. W. Sharp
Odie Duncan	T. R. Jones	Adam Spahn
G. P. Durrett	John H. Klette	N. C. Tilford
M. J. Farris, Jr.	J. C. Lay	James T. Webb
Vert C. Fraser	C. R. Luker	M. O. Wilson
C. M. Gum	Geo. M. McDowell	Roy S. Wilson
V. D. Hammond	Harry J. Meyers	—35

Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Klette moved that the Rules Committee report H. B. 513 and place same upon its passage.

Said motion was agreed to.

The House took up for consideration a bill entitled:

H. B. 513. An Act to amend section 577, Kentucky Statutes, relating to Banks and Banking.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 577, Kentucky Statutes, Article 2, Chapter 32, be amended so as to read as follows:

"Any number of persons, not less than five, may associate to establish a commercial bank or a savings bank, or a bank having departments for both classes of business, upon the terms and conditions and subject to the liabilities prescribed in this Article; but the capital stock of any bank shall not be less than fifteen thousand dollars, and in cities having a population of one hundred thousand or more, not less than one hundred thousand dollars."

Mr. W. M. Webb moved the previous question.

Said motion was agreed to.

Mr. Price moved that the vote by which said bill was ordered to a third reading be reconsidered.

Said motion was agreed to.

The Committee on Banks and Banking offered the following amendment to said bill, viz.:

Amend by inserting immediately after the words "fifteen thousand dollars" in line 7, the following words, "and in

cities having a population of over fifty thousand and less than one hundred thousand, not less than fifty thousand dollars."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	C. M. Gum	S. Mazyck O'Brien
Jas. W. Barrall	E. V. Hall	A. J. Oliver
Geo. B. Barrett	Elwood Hamilton	Lilburn Phelps
Henry C. Blades	W. L. Hampton	William A. Perry
Joseph Boitnott	V. D. Hammond	John A. Polin
Elmer L. Brown	H. H. Hays	Dr. T. J. Poteet
A. T. Bryson	D. H. Hillman	W. A. Price
C. W. Burton	J. J. Huff	Richard Radcliffe
Ed. F. Cecil	J. M. Johnson	Dr. W. R. Ray
Benj. L. Cox	T. R. Jones	Stanley F. Reed
John W. Douglas	John H. Klette	S. H. Rogers
John Drescher	J. C. Lay	W. E. Rogers
John C. Duffy	Simon B. Lott	W. A. Shawler
William Duffy	Dr.J.N.M'Cormack	Adam Spahn
G. P. Durrett	Geo. M. McDowell	W. T. Stott
Thomas J. Evans	T. T. Mobley	N. C. Tilford
M. J. Farris, Jr.	J. R. Mount	M. S. Walton, Jr.
Vert C. Fraser	Harry J. Meyers	James T. Webb
Ed. Frost	Zach. L. Myers	W. M. Webb
Frank C. Greene	John E. Newman	John F. White

N. B. White M. O. Wilson Roy S. Wilson
J. D. Wills —64

Resolved, That the title thereof be as aforesaid.

Mr. Price moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 634. An Act to provide separate trustees for white and colored schools.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 3 of Section 4426a, of Carroll's Edition, Kentucky Statutes, 1909, be amended by adding thereto the following, "And in each sub-district in which there is one or more, negro schools, there shall be at the negro school one trustee elected by the negro votes of said subdistrict for the negro school or schools, who shall have all the powers and duties with reference to negro schools which have heretofore been exercised by one trustee."

No white voter shall be permitted to vote for any trustee of a negro school or schools and no negro voter shall be permitted to vote for a trustee for any white school or schools.

Mr. Reed moved that said bill be tabled.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	H. H. Hays	John A. Polin
Jas. W. Barrall	W. E. Henninger	Dr. T. J. Poteet
Henry C. Blades	D. H. Hillman	W. A. Price
Joseph Boitnott	J. J. Huff	Richard Radcliffe
A. T. Bryson	J. M. Johnson	Dr. W. R. Ray
Ed. F. Cecil	T. R. Jones	Stanley F. Reed
J. G. Coke, Jr.	John A. Judy	W. E. Rogers
Benj. L. Cox	Griffin Kelly	B. T. Rountree
Geo. T. Davis	John H. Klette	Adam Spahn
James R. Dorman	J. C. Lay	Ed. D. Stone
John W. Douglas	Simon B. Lott	W. T. Stott
John Drescher	C. R. Luker	N. C. Tilford
John C. Duffy	Geo. M. McDowell	M. S. Walton, Jr.
William Duffy	W. T. McNally	James T. Webb
G. P. Durrett	T. T. Mobley	W. M. Webb
M. J. Farris, Jr.	J. R. Mount	John F. White
Ed. Frost	Zach. L. Myers	N. B. White
Frank C. Greene	S. Mazyck O'Brien	J. D. Wills
E. V. Hall	A. J. Oliver	M. O. Wilson
W. L. Hampton	Lilburn Phelps	Roy S. Wilson
V. D. Hammond	William A. Perry	—62

Those voting in the negative were—

Harry Avery	Thomas J. Evans	Vert C. Fraser
Geo. B. Barrett	W. N. Flippin	—5

Resolved, That the title thereof be as aforesaid.

Mr. J. C. Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 3. An Act to amend and re-enact Section 1309, Kentucky Statutes, Carroll's Edition 1909, relating to carrying concealed weapons.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1309 Kentucky Statutes, Carroll's Edition of 1909, be stricken out, and in lieu thereof the following section be enacted.

Section 1309. If any person shall carry concealed a deadly weapon upon or about his person, other than an ordinary pocket knife, or shall sell such weapon to a minor other than an ordinary pocket knife, such person shall, upon conviction, be fined not less than fifty nor more than two hundred dollars and imprisoned in the county jail for not less than ten nor more than forty days in the discretion of the court or jury trying the case. The offense of carrying concealed deadly weapons denounced in this statute is hereby declared a high misdemeanor, and any person convicted under this statute of the offense of carrying concealed upon or about his person a deadly weapon shall be disfranchised and such conviction shall operate to exclude such person from the right of suffrage for the period of two years from the date thereof.

Any person convicted a second time under this statute shall be confined in the penitentiary for a period of not less than one nor more than five years.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	Dr. T. J. Poteet
Harry Avery	W. L. Hampton	W. A. Price
Joseph Boitnott	V. D. Hammond	Richard Radcliffe
Elmer L. Brown	H. H. Hays	Dr. W. R. Ray
A. T. Bryson	D. H. Hillman	Stanley F. Reed
Glover H. Cary	J. J. Huff	S. H. Rogers
Ed. F. Cecil	T. R. Jones	W. E. Rogers
J. G. Coke, Jr.	John A. Judy	B. T. Rountree
Benj. L. Cox	Griffin Kelly	S. M. Saufley
Geo. T. Davis	John H. Klette	L. M. Smith
John W. Douglas	J. C. Lay	Ed. D. Stone
John Drescher	Simon B. Lott	W. T. Stott
G. P. Durrett	W. T. McNally	N. C. Tilford
Thomas J. Evans	John G. Miller, Jr.	M. S. Walton, Jr.
M. J. Farris, Jr.	T. T. Mobley	James T. Webb
Vert C. Fraser	J. R. Mount	W. M. Webb
Ed. Frost	Zach. L. Myers	J. D. Wills
Frank C. Greene	John E. Newman	M. O. Wilson
C. M. Gum	A. W. Palmer	Roy S. Wilson
E. V. Hall	William A. Perry	—59

Those voting in the negative were—

Jas. W. Barrall	R.B.Hutchcraft,Jr.	Lilburn Phelps
C. W. Burton	J. M. Johnson	John A. Polin
H. C. Duffy	C. R. Luker	J. D. Pumphrey
William Duffy	Harry J. Meyers	A. W. Sharp
John F. Fryer	S. Mazyck O'Brien	W. A. Shawler
W. E. Henninger	A. J. Oliver	N. B. White

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Resolved, That the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 294. An Act concerning the trial and punishment of persons indicted for a felony or misdemeanor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 7th, 1910, and entitled "An Act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor," and an act approved March 20th, 1912, entitled "An Act to amend an act entitled 'An Act to repeal Section 1136, Chapter 36, of the Kentucky Statutes, and to substitute therefor,' being Chapter 4 of the Acts of 1910, approved March 7th, 1910," be and they are repealed and in lieu thereof and in lieu of section 1136 of Chapter 36 of the Kentucky Statutes, which section is also hereby repealed, the following is hereby enacted:

"That the jury by which an offender, indicted for a felony, is tried shall ascertain only whether or not said person is guilty of the offense charged; if said person shall be found by the jury guilty of a felony, the jury shall so state in its verdict; and if the indictment under which he is prosecuted charges an offense consisting of more than one degree, the jury shall find and in the verdict say of what degree they find him guilty. After such finding and verdict of guilty by the jury, the judge of said court trying said offender shall fix, adjudge and pronounce upon such person an indeterminate sentence or judgment of imprisonment in the penitentiary for an indefinite term, stating in such sentence and judgment the minmum and maximum limits thereof, but the said minimum time shall not be less than the minimum time, nor the maximum time greater than the maximum time, of imprisonment now or hereafter prescribed by law as the minimum term of imprisonment for the punishment of the offense stated in the verdict and, as the maximum time of imprisonment, the term now or hereafter prescribed by law as the maximum term of imprisonment for the punishment of such offense. Provided, however, in the trial of persons charged with the commission of a felony punishable by death or confinement in the penitentiary for life, if said person is found guilty by the jury, it shall also prescribe in its verdict the punishment allowed or required by law and the court trying said offender shall pronounce upon such person a sentence of death or imprisonment for life, according to the verdict of the jury. A person sentenced to life imprisonment under the provisions of this act may be paroled under such conditions or on such terms as may be now or hereafter prescribed by law.

The jury by which an offender charged with a misdemeanor is tried or a jury trying a person indicted for a felony, but finding him guilty of a misdemeanor punishable thereunder shall ascertain and find in its verdict whether or not said person is guilty of the offense charged or of a misde-

meanor for which he may be punished thereunder, and if the jury find the defendant guilty of a felony or a misdemeanor they shall so state and the judge of said court trying said offender shall fix and adjudge the punishment to be inflicted pursuant to the verdict and within the periods of imprisonment or the amounts of the fines prescribed by law.

Persons sentenced to punishment by confinement in the penitentiary shall be kept at hard labor; and, in cases where the punishment is a fine or imprisonment in the county jail, or both, the imprisonment shall be by close confinement in the jail of the county where the trial was had, unless otherwise provided; and the prisoer shall also be confined in the jail until the fine and costs are paid, unless otherwise provided.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Mr. Hutchcraft offered the following amendment to said bill by way of substitute therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 7, 1910, and entitled "An Act to repeal Section 1136, Chapter 36 of the Kentucky Statutes, and to substitute therefor," and an act approved March 20, 1912, entitled "An Act to amend an act entitled 'An act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor,' being Chapter 4 of the Acts of 1910, approved March 7, 1910," be and they are repealed and in lieu thereof and in lieu of Section 1136 of Chapter 36 of the Kentucky Statutes, which section is also hereby repealed, the following is hereby enacted:

The jury by whom an offender indicted for a felony is tried shall fix, by their verdict, the punishment to be inflicted within the period prescribed by law, provided, that where the law now in force, or that may hereafter be enacted, shall fix

a minimum and maximum period of confinement for the punishment of the offense for which the offender is tried and found guilty, then the jury shall find, and by their verdict fix the minimum and maximum term of confinement in the penitentiary of the person so found guilty by said jury, and the minimum and maximum terms so fixed by the jury shall be within the minimum and maximum term fixed by law for the punishment of persons found guilty of such offense. After such finding or verdict of the jury, the court trying said offender shall pronounce upon said person sentence of imprisonment in the penitentiary for the term so fixed by the jury. A copy of said judgment shall be transmitted by the person conveying the defendant to the penitentiary and delivered to the warden thereof, who shall receive and keep said person in his custody for the maximum term fixed in said judgment, subject however to the laws now in force, or that hereafter may be enacted, authorizing the release of such person on parole after he shall have served the minimum term fixed by said judgment, and subject to the laws authorizing the granting of a pardon, and deductions for good behavior.

In the trial of persons charged with commission of a felony punishable by death or confinement in the penitentiary for life, if said person is found guilty by the jury it shall also prescribe the punishment in its verdict, and the court trying said offender shall pronounce upon such person the sentence of death or imprisonment for life as found by the jury; and in trials of persons charged with the commission of a felony where the punishment is fixed by the law now in force at a given term, or may hereafter be fixed at a given term, the court trying the offender shall pronounce upon such person a sentence for the term so fixed by law.

A person sentenced for life imprisonment, or to imprisonment for a term fixed by law, under the provisions of this act, shall be eligible to parole as is now or may hereafter be prescribed by law.

The jury by which an offender charged with a misde-

meanor is tried, or if a jury trying a person indicted for a felony shall find such person guilty of a misdemeanor, the jury shall find by its verdict the punishment to be inflicted within the period or amount prescribed by law, and persons sentenced to punishment by confinement in the penitentiary shall be kept at hard labor, and in cases where the punishment is by fine or imprisonment in the county jail, or both, the imprisonment shall be by close confinement in the county where the trial is had, until the fine and costs are paid, unless otherwise provided.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. In order that the criminal laws may be uniformly enforced throughout the Commonwealth of Kentucky, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Said amendment by way of substitute was disagreed to.

Mr. Walton offered the following amendment to said bill:

"Amend by striking out the word 'only' in line 10."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Elwood Hamilton	William A. Perry
Harry Avery	W. L. Hampton	John A. Polin
Jas. W. Barrall	V. D. Hammond	Dr. T. J. Poteet
Henry C. Blades	H. H. Harrington	W. A. Price
Joseph Boitnott	H. H. Hays	J. D. Pumphrey
Elmer L. Brown	D. H. Hillman	Richard Radcliffe
A. T. Bryson	J. J. Huff	Dr. W. R. Ray
C. W. Burton	R.B.Hutchcraft,Jr.	Stanley F. Reed
Glover H. Cary	J. M. Johnson	S. H. Rogers
Ed. F. Cecil	T. R. Jones	W. E. Rogers
J. G. Coke, Jr.	John A. Judy	B. T. Rountree
Benj. L. Cox	Griffin Kelly	S. M. Saufley
Geo. T. Davis	John H. Klette	A. W. Sharp
James R. Dorman	William J. Kuh	W. A. Shawler
John W. Douglas	J. C. Lay	L. M. Smith
H. C. Duffy	Simon B. Lott	Adam Spahn
John C. Duffy	Dr.J.N.M'Cormack	Ed. D. Stone
William Duffy	Geo. M. McDowell	W. T. Stott
G. P. Durrett	John G. Miller, Jr.	N. C. Tilford
Thomas J. Evans	T. T. Mobley	M. S. Walton, Jr.
M. J. Farris, Jr.	J. R. Mount	James T. Webb
Vert C. Fraser	Harry J. Meyers	W. M. Webb
Ed. Frost	John E. Newman	John F. White
John F. Fryer	S. Mazyck O'Brien	N. B. White
Frank C. Greene	A. J. Oliver	J. D. Wills
C. M. Gum	A. W. Palmer	M. O. Wilson
E. V. Hall	Lilburn Phelps	Roy S. Wilson

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Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hamilton moved that when this House adjourn it be to meet on Monday, March 16th, at 10:00 o'clock a. m.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 295. An Act concerning the parole of the State Board of Penitentiary Commissioners of convicts confined in the penitnetiary, houses of reform and State reformatories and to provide for the employment, care and supervision of such convicts while on parole.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The State Board of Penitentiary Commissioners shall have power and authority, with the approval of the Governor of the State and subject to the conditions, provisions and limitations of this act, to parole and to permit to go and remain at large, outside the buildings and enclosures of the same, any person that is now confined or that hereafter may be confined in any penitentiary, reformatory, houses of reform or other penal institution of the State now placed, or hereafter placed, under the management or control of said Board; and said Board shall have the further power and authority, with the approval of the Governor, whenever a paroled prisoner shall violate the terms of his parole, commit any offense against the laws or when, in the opinion of said Board the welfare of such paroled prisoner or of society demands, to cause such paroled prisoner to be arrested, retaken and reconfined and kept in the institution from which he was paroled or in some other institution under the control

of said Board to which said Board might have transferred said prisoner.

§ 2. After any prisoner has been confined in one of the institutions named in the preceding paragraph at least as long as the minimum time of imprisonment fixed by the judgment wherein he was convicted and sentenced, he may file an application for a parole with said Board, excepting persons committed for life to one of said institutions who shall not be allowed to file an application for a parole until eight years have elapsed since the said prisoner was confined in said institution. The Board shall have full power and authority to adopt and certify to the warden of each institution under their control such reasonable rules and regulations as they shall deem wise and fair, providing for the keeping of proper records of the conduct and deportment of prisoners and for the careful record of any important facts in the life and character of such prisoners, which may be pertinent for consideration in the final determination of such prisoner's application for parole.

If said Board, after careful consideration and in the full exercise of its discretion, deem said application reasonable and timely, said Board shall (a) ascertain from the records of the institution where said applicant is confined and from other trustworthy sources, whether he or she has been of good demeanor and, in the opinion of the Board, has been sufficiently meritorious and has earned sufficient grade or rank for good conduct by obedience to the rules and regulations of the institution in which he or she is confined for at least nine consecutve months next preceding the date of his or her application; and said Board shall also (b) ascertain whether the applicant has secured, or had secured for him or her, some respectable employment with a solvent, reputable person, firm or corporation at a compensation sufficient to render such applicant self-sustaining after parole, which employment shall be evidenced by a written contract for employment for at least six months, Provided, however, that pris-

oners under the age of sixteen years and female prisoners may be paroled without contract for stipulated wages where a home for such a prisoner shall have been procured in a reputable family or apprenticed to a solvent, reputable person, firm or corporation under a written contract for proper support, care and moral supervision, and no contract shall be necessay for the employment of prisoners owning estates sufficient to yield enough income or proceeds to make such prisoner self-sustaining. The said Board shall, by its rules, provide proper forms of contract applicable to the respective classes of prisoners enumerated in this section and may, in its discretion, require a surety or sureties for the faithful performance of the same.

After said Board has ascertained the facts mentioned above and the prisoner's previous life as to probity or criminality and as to the indications of his purpose to reform, it shall maturely consider said application and shall have full discretion or power to refuse the same, but if it wish to have the parole granted, it shall make a brief report in writing to the Governor, stating the facts mentioned in this section together with the reasons in favor of the granting of the application for a parole and, if the Governor then approve the granting of the parole by his signature thereto, said parole shall be granted and a certificate thereof, with the Governor's signature attached thereto, shall be given to said prisoner.

§ 3. Nothing in this act shall be construed as requiring such paroled prisoner to reside or remain in this State while so out on parole, unless a particular place of residence be made a condition of his parole and it be so stated in the certificate of parole, but such prisoner so paroled may, at any time before said Board of Penitentiary Commissioners shall have ordered his return to the institution from which he is paroled or other institution, take up his residence wheresoever he desires, but said prisoner so out on parole shall be required to make such written report as may be required by the rules of the Board of Penitentiary Commis-

sioners, to the warden, superintendent or chief executive officer of the institution from which he was paroled, and if he shall fail to make such report or any other report required of him by the rules of the said Board, or if his conduct is reported as not good, the said failure to report or to properly conduct himself shall be deemed a violation of the conditions of his parole, and shall authorize his reimprisonment provided the Governor approves the same.

§ 4. No prisoner who has been or may hereafter be allowed to go outside of any of said institutions on parole shall be required while so out on parole to wear the regulation dress of the institution, or other badge, token or thing which will or which is intended to indicate that he is a prisoner or under conviction for crime.

§ 5. It shall be the duty of the Board of Penitentiary Commissioners to investigate all breaches of parole of which information may be received by it, and, to that end, it shall have power and authority to summon and by order coerce the attendance of witnesses before it, and each member of said Board shall have the power to administer an oath and to swear and examine witnesses touching the same.

§ 6. An order of the Board of Penitentiary Commissioners signed by the Chairman or acting Chairman thereof, and countersigned by the Governor, shall be sufficient warrant and authority to the Warden, Superintendent, or other officer in charge of any of the institutions referred to in this act to discharge from custody any paroled prisoner in such order named; and an order of said Board so signed and countersigned shall be sufficient warrant and authority to all sheriffs, marshals, constables, policemen and other peace officers of this State, to arrest and deliver to the institution and the officer thereof named in said order, and, to said officer of the institution, to receive and reimprison, the paroled person in the order named.

It is made the duty of any peace officer or officers to execute any order directed to him or them under this act by ar-

resting and conveying such paroled prisoner to the institution named in such order, and delivering him to the officer in charge of such institution; and such peace officer shall receive therefor such compensation as is provided by law for arresting and for conveying prisoners to the penitentiary, which shall be paid to him out of the State Treasury, and the said Board of Penitentiary Commissioners shall certify said claim for services to the Auditor of Public Accounts, who shall draw his warrant for the same in favor of the claimant upon the Treasury of this State.

§ 7. Prisoners paroled under the provisions of this act shall at all times be under the control and supervision of and subject to the orders, rules and directions of the Board of Penitentiary Commissioners and in the legal custody of the chief executive officer of the institution from which they were paroled.

§ 8. For the purpose of making effective the provisions of this Act there is hereby created the office of employment agent, the incumbent of which shall be so known and designated. Said employment agent shall be appointed by and hold office during the pleasure of the State Board of Penitentiary Commissioners; he shall receive a salary of $100.00 per month, which shall be paid monthly out of the State Treasury, and the Auditor of Public Accounts shall draw his warrant on the Treasury for the same upon the certification thereof by the Chairman of said Board. He shall also receive his actual necessary traveling expenses while in the discharge of his duties as such officer, which shall be paid in like manner and upon like certification.

Said employment agent shall have his office with and be at all times subject to the orders and directions of the said Board of Penitentiary Commissioners. It shall be his duty to solicit, procure and make contracts, subject to the approval of said Board, for the suitable employment, in advance of their parole, of such persons as may be paroled by said Board; to assist them in keeping so employed at all times

while so on parole; inspect and report to said Board in such manner and at such time as it may by rule provide, concerning the employment, habit and surrounding of such paroled prisoners; and where such surroundings or employment are not beneficial to any person on parole, to recommend and endeavor to procure for him different employment; to counsel, aid and encourage such paroled prisoners and assist them to become self-sustaining and useful members of society; to investigate and report on breaches of parole, and to perform such other duties and make such other reports as may from time to time be required of him by said Board. He shall keep familiar with the names and character of work that can be performed by persons confined and eligible to parole, and with the reports of paroled prisoners, and with their failures to report and the causes of such failures. He shall give his whole time to the work of his department and shall not engage in other employment while holding said office. All prisoners on parole under this act shall at all times be subject to the visitation and interrogations of said Employment Agent, and required to furnish him any information respecting their habits, surroundings and conduct that he may require in the discharge of his duties thereunder.

If and as it shall become necessary in looking after or procuring employment for any prisoner paroled under this act, or investigating the propriety of a parole or any breach of a parole, the Board of Penitentiary Commissioners may detail some employe of either of the institutions under its control to perform such special service, and such specially detailed employer, while in the performance of such special service, shall receive his necessary actual traveling expenses to be paid by the State in the same manner and upon similar certification as is provided herein for the payment of the expenses of the Employment Agent but shall not receive any compensation for his time except that pertaining to his regular employment.

§ 9. If the warden or other officer of any of the insti-

tutions embraced by this Act, or any peace officer in this State, shall wilfully fail or refuse to execute or obey the orders of said Board of Penitentiary Commissioners made or issued under this Act, such person shall, upon conviction, be fined in the sum of not less than $25.00 or not more than $200.00 for each offense, in the discretion of the court or the jury trying the same; and the circuit court of the county wherein said offense is committed shall have exclusive jurisdiction to try said offense.

§ 10. Nothing in this Act shall be construed to affect the constitutional power of the Governor of this State to pardon, reprieve or respite any person who may be charged with or convicted of a crime in this Commonwealth.

§ 11. All Acts and parts of Acts in conflict with this act are hereby repealed, including an Act approved March 16th, 1910, and known as Chapter 16 of the Acts of 1910 and entitled "An Act to repeal an Act entitled 'An Act concerning the parole of convicts,'" approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1923; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the penitentiaries, houses of reform and State reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole; and, to that end, for the appointment of an employment agent, to define his duties and fix his compensation; and to further provide for the final discharge by said Board of paroled prisoners who shall have been obedient to the terms of their paroles.

Mr. Klette moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	Frank C. Greene	A. W. Palmer
Jas. W. Barrall	C. M. Gum	Lilburn Phelps
Geo. B. Barrett	E. V. Hall	William A. Perry
Henry C. Blades	Elwood Hamilton	John A. Polin
Joseph Boitnott	W. L. Hampton	Dr. T. J. Poteet
Elmer L. Brown	V. D. Hammond	W. A. Price
A. T. Bryson	H. H. Hays	J. D. Pumphrey
C. W. Burton	D. H. Hillman	Richard Radcliffe
Ed. F. Cecil	J. J. Huff	Dr. W. R. Ray
Benj. L. Cox	R.B.Hutchcraft,Jr.	S. H. Rogers
Geo. T. Davis	J. M. Johnson	W. E. Rogers
James R. Dorman	T. R. Jones	W. A. Shawler
John Drescher	John A. Judy	L. M. Smith
H. C. Duffy	John H. Klette	Adam Spahn
John C. Duffy	William J. Kuh	W. T. Stott
William Duffy	C. R. Luker	M. S. Walton, Jr.
Odie Duncan	Geo. M. McDowell	James T. Webb
G. P. Durrett	John G. Miller, Jr.	W. M. Webb
Thomas J. Evans	T. T. Mobley	John F. White
Vert C. Fraser	J. R. Mount	N. B. White
Ed. Frost	John E. Newman	M. O. Wilson
John F. Fryer	S. Mazyck O'Brien	Roy S. Wilson

—66

Those voting in the negative were—

Harry Avery	Griffin Kelly	Ed. D. Stone
M. J. Farris, Jr.	Simon B. Lott	J. D. Wills

—6

Resolved, that the title thereof be as aforesaid.

Mr. Klette moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912 relating to the incorporation of banks, combined banks and trust companies, and to amend Section 6 of said Act by providing for the employment of an additional bank examiner.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 20 of Chapter 4 of Acts of the General Assembly of 1912, which reads as follows, to-wit:

"No bank hereafter organized shall transact any business in this State without the written approval and certificate of the Banking Commissioner, stating that it has complied with the provisions of this Act, and with all the requirements of the law, and that it is authorized to transact, within this State, the business specified therein, and that the requisite capital has been in good faith subscribed and paid in cash. The Banking Commissioner shall not authorize any bank to commence business until it appears from an examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in cash," be and the same is hereby repealed, and that the following be and same is enacted in lieu thereof:

"Before filing the Articles of Incorporation of any pro-

posed Bank, Trust Company or combined Bank and Trust Company in the office of the County Court Clerk in the county in which the bank is to do business, and with the Secretary of State, as is required by law, the incorporators shall present a copy of said Articles of Incorporation to the Banking Commissioner for his approval, and when same are approved in writing by said Commissioner, the incorporators may proceed to the filing and recording of same. Upon presentation of said Articles of Incorporation to the Banking Commissioner for approval, said Commissioner shall carefully examine same, and shall make such inquiry and investigation as to the financial standing and moral character of each of the incorporators as he may deem necessary, and shall require said incorporators to furnish satisfactory proof, that each is worth over and above all exemptions and liabilities, at least double the amount of the par value of his stock subscription. He shall inform himself that the incorporators are seeking to establish a bona fide Banking or Trust business, and are acting in good faith, and upon his conclusions, he shall approve or refuse to approve said Articles of Incorporation. If such articles be approved, then the County Court Clerk and the Secretary of State, respectively, may receive said articles for filing and recording. Upon the filing and recording of said articles, and doing all other things required by the laws of the State, the said Bank or Trust Company shall be deemed organized for the purpose named in its Articles of incorporation, but no corporation seeking to do a Banking or Trust business, shall actually transact any Banking or Trust business, until it receives from the Banking Commissioner a certificate, in which it shall be set out that said corporation has fully complied with all the provisions of this Act, and other pertinent laws, and that the requisite capital has been, in good faith, subscribed and paid in cash."

§ 2. That Section 6 (entitled Bank Examiners), which reads as follows, to-wit:

"The first Banking Commissioner appointed under this

Act, shall, during the month after his own appointment and qualification, appoint three competent and suitable persons as State Bank Examiners, the term of office of two of whom shall be for two years from July 1, 1912, and the term of office of the remaining one shall be for four years from July 1, 1912. Thereafter the Banking Commissioner shall bienially, and during the month of June, appoint one or two State Bank Examiners, as the case may be, as successor or successors to the Examiner or Examiners, whose term of office expires July 1st following. The full term of office of every State Bank Examiner so thereafter appointed shall be four years, and shall begin on the 1st day of July succeeding his appointment. Appointments to fill vacancies shall be for the unexpired term only. Each State Bank Examiners shall receive an annual salary of two thousand dollars ($2,000.00), payable monthly out of the State treasury, and shall be paid his necessary traveling expenses monthly, on properly itemized and verified accounts rendered to the Banking Commissioner and approved by him and by the Auditor of the State of Kentucky," shall be amended by adding after the words "State of Kentucky," in the last line thereof, the following: "Provided: That as soon as this amendment becomes a law, the Banking Commissioner may appoint one Bank Examiner, in addition to those provided in the original Act, who shall have the same qualifications, and be paid the same salary and expenses, in the same manner, and whose duties shall be the same as prescribed in the original Act. Said additional Examiner shall be appointed for a term expiring on July 1, 1916; his successor shall be appointed for a term of four years from said date, during the month of June, 1916, and in the same manner as the successors to those examiners now in office are appointed," so that said section as amended, will read as follows, to-wit:

"The first Banking Commissioner appointed under this Act shall, during the month after his own appointment and qualification, appoint three competent and suitable persons

as State Bank Examiners, the term of office of two of whom shall be for two years from July 1, 1912, and the term of office of the remaining one shall be for four years from July 1, 1912. Thereafter the Banking Commissioner shall biennially, and during the month of June, appoint one or two State Bank Examiners, as the case may be, as successor or successors to the Examiner or Examiners whose term of office expired July 1st following. The full term of office of every State Bank Examiner so thereafter appointed shall be four years, and shall begin on the first day of July succeeding his appointment. Appointments to fill vacancies shall be for the unexpired term only. Each State Bank Examiner shall receive an annual salary of two thousand dollars ($2,000.00), payable monthly out of the State Treasury, and shall be paid his necessary traveling expenses monthly, on properly itemized and verified accounts rendered to the Banking Commissioner and approved by him and by the Auditor of the State of Kentucky: Provided, That as soon as this amendment becomes a law, the Banking Commissioner may appoint one other Bank Examiner, in addition to those provided in the original Act, who shall have the same qualifications, and be paid the same salary and expenses, in the same manner, and whose duties shall be the same as prescribed in the original Act. Said additional Examiner shall be appointed for a term expiring on July 1, 1916; his successor shall be appointed for a term of four years from said date, during the month of June, 1916, and in the same manner as the successors of those Examiners now in office are appointed."

Mr. Pumphrey moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	E. V. Hall	John A. Polin
Harry Avery	Elwood Hamilton	Dr. T. J. Poteet
Geo. B. Barrett	W. L. Hampton	W. A. Price
Henry C. Blades	V. D. Hammond	J. D. Pumphrey
Joseph Boitnott	H. H. Hays	Richard Radcliffe
Elmer L. Brown	D. H. Hillman	Dr. W. R. Ray
A. T. Bryson	J. J. Huff	Stanley F. Reed
C. W. Burton	R.B.Hutchcraft,Jr.	S. H. Rogers
Benj. L. Cox	J. M. Johnson	W. E. Rogers
James R. Dorman	T. R. Jones	B. T. Rountree
John W. Douglas	John H. Klette	S. M. Saufley
John Drescher	William J. Kuh	W. A. Shawler
H. C. Duffy	J. C. Lay	L. M. Smith
John C. Duffy	Geo. M. McDowell	Adam Spahn
William Duffy	John G. Miller, Jr.	W. T. Stott
G. P. Durrett	T. T. Mobley	M. S. Walton, Jr.
Thomas J. Evans	Harry J. Meyers	James T. Webb
Vert C. Fraser	John E. Newman	John F. White
Ed. Frost	S. Mazyck O'Brien	N. B. White
John F. Fryer	A. J. Oliver	M. O. Wilson
Frank C. Greene	A. W. Palmer	Roy S. Wilson
C. M. Gum	Lilburn Phelps	—65

There voted in the negative—

Simon B. Lott —1

Resolved, That the title thereof be as aforesaid.

Mr. Phumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 121. An Act to amend an Act entitled "An Act for the creation and regulation of private corporations," being an Act relating to the subject of insurance, and the transaction of the business of life or casualty insurance, or both life and casualty insurance, upon the co-operative or assessment plan.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 667, 673, 674 and 679, of Subdivision 3, Article 4, Chapter 32, Kentucky Statutes, be and they are each hereby repealed, and said sections are respectively reenacted so that the same shall read as follows:

Section 667. All corporations, companies, societies, organizations, or associations of this State, transacting the business of life or casualty insurance on the co-operative or assessment plans referred to in the six hundred and sixty-fourth and six hundred and sixty-fifth sections of this subdivision, are hereby made subject to all the provisions of this subdivision, and shall hold within the county in which the principal office is located in this State a stated annual meeting of their members or policy holders, or representatives of local boards or subordinate bodies, in such manner and subject to such regulations, restrictions and provisions as the constitution or by-laws of the same may provide. Every such as-

sociation, corporation or society now authorized, as hereinbefore and hereafter provided, to do business in this State may at any stated annual meeting of its members or policy-holders adopt or amend its by-laws, rules and regulations; and in the event of an emergency arising requiring the adoption or amendment of any by-law, rule or regulation before next ensuing stated annual meeting, then such association, corporation or society must hereafter, before the adoption of any by-law, rule or regulation to meet such emergency, cause the same to be mailed to the members and directors of such association, corporation, or society, together with a notice of the time and place when the same will be considered, which notice shall be the same as hereinbefore required for a stated meeting. The by-laws or other rules and regulations, and amendments thereto adopted from time to time at the stated annual meeting of the members or policy-holders of such corporation, or at any meeting made necessary by an emergency, shall be binding on all members and policy-holders of such association, corporation, or society, whether or not personally present at the meeting when the same was adopted, and the board of directors shall have the right and power, and are hereby authorized to determine when an emergency has arisen.

The books and papers of such association, corporation or society shall at all times be open for examination by the Insurance Commissioner of this State, and shall also be open for examination by a committee of members or policy-holders duly selected, authorized and empowered for that purpose by a writing signed by a majority of the members or policy-holders of such association, corporation or society, which written authority shall be presented to and filed with such association, corporation or society before any examination is made by such committee.

All associations, societies, companies, corporations or organizations now transacting or hereafter desiring to transact the business of life or casualty insurance in this State,

upon any other plan than that defined in and by Sections 664 and 665, of this subdivision, shall comply with all the provisions of the general laws applicable to life and casualty companies.

§ 2. Section 673. Any solicitor, agent, examining physician, or other person who shall knowingly or wilfully make any false or fraudulent statement, or misrepresentation in, or with reference to any application for insurance, or issue any false certificate concerning the health of any policy-holder, or concerning any injury to any policy-holder, for the purpose of obtaining any money or benefit from any corporation transacting business under this subdivision, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both at the discretion of the court or jury; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of any policy or certificate-holder in any such corporation, for the purpose of procuring payment of a benefit named in the policy or certificate of such solder, shall be guilty of perjury.

Any such association, corporation or society shall have the right, and shall be afforded the opportunity to have any member or policy-holder claiming to be either sick or injured examined by its physician when and as often as it may reasonably require such examination to be made during the pendency of any claim for either sick or accident benefits, and no action at law or in equity shall be maintained in any of the courts of this Commonwealth for the recovery of any claim to sick or accident benefits when such examination of the person of the injured has been either obstructed or refused.

§ 3. Section 674. Every charter created by or under this law for the purposes aforesaid shall continue until revoked by the judgment of a court of competent jurisdiction; provided, that charters hereafter to be filed in the Insurance

Department shall be considered as abandoned, and become inoperative and void, unless the corporators perfect their organization thereunder, and issue certificates of membership within the period of one year from the date of filing such charter: And, provided, when any life insurance company incorporated in this State to do the business of life or casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan, transfers its business or reinsures its members or policy-holders in any other company or corporation, or suspends its business, or has failed or shall fail to actively, and in good faith, operate its corporate franchises, powers and privileges in the due course of business, and in the fulfillment of the design and purpose of its creation, for the period of one year, it shall be deemed to have abandoned the purpose of its creation, and it shall not thereafter, directly or indirectly, resume its business or operate in any manner any of its corporate franchises, powers or privileges, and the same shall for all purposes thereby become and remain forever inoperative and void.

4. Section 679. All policies or certificates hereafter issued to persons within the Commonwealth of Kentucky by corporations transacting business therein under this law, which policies or certificates contain any reference to the application of the insured, or the by-laws, or the rules of the corporation, either as forming part of the policy or contract between the parties thereto, or as having any bearing on said contract, shall have such application, by-laws and rules, or the parts thereof relied upon as forming part of the policy or contract between the parties thereto, or as having any bearing on said contract, attached to the policy or certificate, or printed on the face or reverse side thereof, and unless either so attached and accompanying the policy, or printed on the face or reverse side thereof, shall not be received as evidence in any action for the recovery of benefits provided by the policy or certificate, and shall not be considered a part of the policy, or of the contract between the parties. The

policy or certificate, and the rules and regulations, shall be printed, and no portion thereof shall be in type smaller than brevier. Provided, however, that nothing in this section shall be construed as applying to evidence used in reinstatement of a policy or certificate. But the provisions of this section and this subdivision shall not apply to secret or fraternal societies, lodges, or councils, which are under the supervision of a Grand or Supreme Body, and secure members through the lodge system exclusively, and pay no commission, nor employ any agents, except in the organization and supervision of the work of local subordinate lodges or councils.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Peter Ampler	John W. Douglas	J. C. Lay
Harry Avery	John Drescher	Simon B. Lott
Geo. B. Barrett	John C. Duffy	W. T. McNally
Henry C. Blades	William Duffy	John G. Miller, Jr.
Joseph Boitnott	M. J. Farris, Jr.	T. T. Mobley
A. T. Bryson	John F. Fryer	Harry J. Meyers
C. W. Burton	Frank C. Greene	Zach. L. Myers
Glover H. Cary	C. M. Gum	John E. Newman
Geo. T. Davis	V. D. Hammond	S. Mazyck O'Brien
James R. Dorman	John H. Klette	A. J. Oliver

Lyman J. Parrigin	J. D. Pumphrey	W. M. Webb
Lilburn Phelps	S. M. Saufley	John F. White
William A. Perry	L. M. Smith	Roy S. Wilson
John A. Polin	Adam Spahn	
W. A. Price	Ed. D. Stone	

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Those voting in the negative were—

J. G. Coke, Jr.	J. J. Huff	Dr. W. R. Ray
Benj. L. Cox	R.B.Hutchcraft,Jr.	S. H. Rogers
H. C. Duffy	J. M. Johnson	W. E. Rogers
G. P. Durrett	T. R. Jones	B. T. Rountree
Thomas J. Evans	Griffin Kelly	W. A. Shawler
Vert C. Fraser	C. R. Luker	W. T. Stott
Ed. Frost	Dr.J.N.M'Cormack	M. S. Walton, Jr.
Elwood Hamilton	Geo. M. McDowell	James T. Webb
W. L. Hampton	A. W. Palmer	J. D. Wills
D. H. Hillman	Richard Radcliffe	M. O. Wilson

—30

Resolved, That the title thereof be as aforesaid.

Mr. Miller moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 313. An Act changing the name of the Capitol Square Police to Executive Marshal and prescribing his duties and fixing his compensation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of Capitol Square Police shall hereafter be known as the Executive Marshal, and he shall be appointed by the Governor and shall hold office for the same term as the Governor.

§ 2. It shall be the duty of such Executive Marshal to perform any and all such duties as the Governor may require of him, and he shall have the powers of a peace officer upon and about the capitol building and grounds, and shall, before assuming the duties of such officer, take the oath required of peace officers and shall execute a bond to the Commonwealth of Kentucky in the sum of $2,500.00, to be approved by the Governor.

§ 3. For his services he shall be paid a yearly salary of $1,350.00, to be paid monthly out of the Treasury in the same manner as is provided for paying the salaries of the executive officers of the State.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Geo. B. Barrett	Geo. T. Davis	John C. Duffy
Elmer L. Brown	James R. Dorman	William Duffy
A. T. Bryson	John W. Douglas	Odie Duncan
C. W. Burton	John Drescher	G. P. Durrett
Glover H. Cary	H. C. Duffy	Thomas J. Evans

M. J. Farris, Jr.	J. C. Lay	J. D. Pumphrey
Ed. Frost	Dr.J.N.M'Cormack	Stanley F. Reed
John F. Fryer	W. T. McNally	S. M. Saufley
Elwood Hamilton	Harry J. Meyers	L. M. Smith
V. D. Hammond	Zach. L. Myers	Adam Spahn
R.B.Hutchcraft,Jr.	A. J. Oliver	W. M. Webb
T. R. Jones	Lilburn Phelps	John F. White
John A. Judy	William A. Perry	N. B. White
John H. Klette	John A. Polin	
William J. Kuh	W. A. Price	—43

Those voting in the negative were—

Peter Ampler	J. J. Huff	S. H. Rogers
Harry Avery	J. M. Johnson	W. E. Rogers
Joseph Boitnott	Griffin Kelly	B. T. Rountree
Ed. F. Cecil	Simon B. Lott	W. A. Shawler
J. G. Coke, Jr.	C. R. Luker	Ed. D. Stone
Benj. L. Cox	Geo. M. McDowell	W. T. Stott
Frank C. Greene	T. T. Mobley	M. S. Walton, Jr.
C. M. Gum	John E. Newman	James T. Webb
E. V. Hall	S. Mazyck O'Brien	J. D. Wills
W. L. Hampton	A. W. Palmer	M. O. Wilson
H. H. Hays	Richard Radcliffe	Roy S. Wilson
D. H. Hillman	Dr. W. R. Ray	—35

Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey moved that this House do now recess until 7:30 p. m.

Said motion was agreed to.

And then the House recessed.

EVENING SESSION.

At 7:30 the House reconvened.

The committees to which the same had been referred, reported bills of the following titles:

By Mr. J. T. Webb, of the Committee on Judiciary:

S. Res. 9. Resolution to ascertain if the State has title in fee simple to all land owned by it.

By same:

S. B. 52. An Act to prevent the sending, exhibiting, posting or circulating of letters, circulars, posters, written or printed in pamphlet form or otherwise, false accusations against another person, and prescribing the punishment for the same.

By same:

S. B. 118. An Act to amend Section 882 in Chapter 32, Kentucky Statutes, for the purpose of giving to the owners of memberships in such religious, charitable and educational corporations, societies and associations as are composed of members (in lieu of stockholders) the right to amend the charter or articles of incorporation thereof.

By Mr. Z. L. Myers, of the Committee on State Capitol:

S. B. 360. An Act to establish a restaurant in the State Capitol for the benefit of the General Assembly and the public.

By Mr. Saufley, of the Committee on Appropriations:

S. B. 315. An Act to establish a budget system for State officers, departments and institutions.

By the Committee on Rules:

S. B. 11. An Act to create a workmen's compensation fund and to provide a method of compensation for employees who may be injured or the dependents of those killed in the course of their employment from said fund, to be raised and paid into the hands of the State Treasurer, as herein provided, and to define and fix the rights of employees and employers and to define the defenses that may be made by employers in actions from damages arising from death or personal injury of their employees and to provide a method of raising said fund, and to create a Board of Commissioners to administer said fund and to define the rights, powers and duties of said Board of Commissioners.

By Mr. Smith, of the Committee on Kentucky Statutes:

S. B. 31. An Act to provide a deputy or clerk for the coroner of counties in the Commonwealth having a population of two hundred thousand or over.

By Mr. O'Brien, of the Committee on Municipalities:

An Act to amend Section 3290 in Sub-division 2 of Article 4, Chapter 89, Kentucky Statutes, and providing for the oiling of streets in cities of the third class.

By Mr. J. T. Webb, of the Committee on Judiciary:

An Act creating the office of District Detective to the

Commonwealth Attorney in all counties having two divisions of the Circuit Court.

By Mr. Greene, of the Committee on Constitutional Amendments:

S. B. 54. An Act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges and State farms.

By. Mr. Hutchcraft, of the Committee on Banks and Banking:

S. B. 307. An Act requiring each county to have a depository for public funds and providing the method of selecting such depository.

By Mr. Roy S. Wilson, of the Committee on Insurance, Life and Accident:

S. B. 340. An Act to amend Sec. 656, Chap. 32, Art. IV., Sub-division II, Kentucky Statutes, relating to life insurance.

By the Committee on Rules:

S. B. 246. An Act to amend Section 965 of sub-division 1 of Article 2 of Chapter 35 of the Kentucky Statutes (Carroll's Edition 1909), and the amendment to said Act which became a law March 14th, 1912, in so far as said section and amendment applies to the holding of Circuit Courts in the counties of Lee, Estill, Breathitt and Wolfe in the Twenty-third Judicial District.

By Mr. Smith, of the Committee on Kentucky Statutes:

S. B. 7. An Act to amend and re-enact Section 4023 of

the Kentucky Statutes, Carroll's Edition 1909, relating to revenue and taxation.

By the Committee on Rules:

S. B. 326. An Act to repeal and re-enact Section 3076 of the Kentucky Statutes, relating to the power to grant licenses and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

By the Committee on Rules:

S. B. 267. An Act to amend Section one of an Act enan titled "An Act to amend an Act entitled 'An Act for the government of cities of the first class, approved July 1, 1893,' approved March 21, 1906," and being Section 2833, Kentucky Statutes, Carroll's Edition 1909.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

And then the House adjourned until 10:00 o'clock a. m. Monday, March 16th, 1914.

MONDAY, MARCH, 16, 1914.

The House was opened with prayer by the Rev. Roger T. Nooe, of the Chirstian Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Hamilton moved that when this House recess it be at 12:30 to reconvene at 2 o'clock p. m., and continue in session indefinitely.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 77. An Act to amend an Act entitled "An Act for the government of cities of the third class in the Commonwealth of Kentucky," which was approved June 14, 1893, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as Article 4 of Chapter 89 of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled "An Act for the government of cities of the third class in the Commonwealth of Kentucky," which was approved June 14, 1893, and thereafter became a law, and the amendments thereto, which act and which amendments do now appear as Article 3 of Chapter 89 of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909, be amended by adding thereto, at the end thereof, the following provisions:

§ 1. Commissioners for Third Class Cities.—Any city of the third class under the laws of the Commonwealth of Kentucky, may become organized and be governed under the provisions of this act by proceeding as hereinafter provided. Organizing under this act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

§ 2. Present Laws to be in Effect.—All laws applicable to and governing cities of the third class and not inconsistent with the provisions of this act, shall continue to apply to and govern each city that may organize under this act. And all by-laws, ordinances, and resolutions in force in any such city and not inconsistent with the provisions of this act, shall continue to be in force until altered or repealed in manner provided for in this act.

§ 3. County Judge to Call Election.—It shall be the duty of the County Judge in the county in which is located a city proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this act, upon the application by written petition signed by a number of the legal voters of said city equal to twenty per centum of the votes cast in said city at the last preceding general election, to receive said petition, and at the next regular term thereafter, to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election, to open the polls at each and all of the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this act. The question to be submitted to the voters shall be:

Form of Ballot.—"Are you in favor of the organization and government of the City of .....(naming the city in which said vote is to be taken) under the provisions of an Act to amend an Act entitled 'An Act for the government of cities of the third class in the Commonwealth of Kentucky,' which was approved June 14, 1893, and thereafter in due course became a law, and as same has since been

amended, all of which said act and amendments now appear as Article 4 of Chapter 89 of the Kentucky Statutes, in John D. Carroll's Edition thereof, in 1909, adopted by the General Assembly of Kentucky at the 1910 session thereof and the Acts of the 1912 General Assembly of Kentucky."

Duty of County Clerk and Sheriff.—It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court, as it appears on the order book, within five days after such order is made; and it shall be the duty of said sheriff, or other such officer, to have said order published in some weekly or daily newspaper, published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand bills, posted in conspicuous places in said city, for the same length of time.

Publication of Notice.—If there is no weekly or daily newspaper published in said city, or the proprietor of said paper refuses to publish such notice, the printed or written hand bills provided for, shall be sufficient notice. The sheriff or other such officer shall have the advertisement and notices herein provided for posted as herein required, within seven days after he receives the order of the county court. All elections provided for in this act, except the primary elections, shall be held on the regular election day, by the regular election officers.

Canvassing Board; Duties.—If it shall be found that a majority of the legal votes cast at the election hereinabove provided for, were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the county judge shall cause the same to be spread on the order book of said court, and the entry of said certificate in the

order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

Vote Certified to Clerks.—When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this act, and said fact shall be certified as hereinbefore provided, by the said canvassing board to the county clerk, a copy of which shall be certified to the city clerk, and said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city, at the next regular meeting of the city council; thereupon said city shall be organized and governed by the provisions of this act.

§ 4. Offices to be Abolished.—All the present city offices, save those of Mayor and Police Judge, shall, at the expiration of that year which shall next follow the year in which said election is held, be ipso facto abolished.

§ 5. Mayor and Commissioners to be Elected.—At the regular city election in November of the year next following the year in which said election is held, there shall be elected by the qualified registered voters of the city a Mayor and four Commissioners. Said officers shall be elected from the city at large, and only in the following manner.

§ 6. No person shall be elected without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day for the regular election, there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later regular election.

Petion to be Filed.—Each applicant for nomination shall, at least ten days before the day for said primary election, file with the county clerk a petition signed by at least fifty voters and in the following form:

"We, the undersigned, qualified voters of the City of ..... (naming it), and residing each at

the place indicated opposite his name signed hereto, do hereby request that the name of ..... (naming the applicant), be placed on the ballot as that of an applicant for nomination for the office of ..... (naming the office sought), at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a man of good character; and he is, in our judgment, qualified for the duties of the office sought by him."

NAMES	NUMBER	STREETS

Such petition shall be verified by the affidvait of some person or persons as to the genuineness of the signatures and addresses of the signers.

Voter Not to Sign More Than One or Four Petitions.—No voter shall sign more than one such petition with reference to each office that is to be filled. In the event that a person shall sign more than one petition of applicants for nomination for Mayor or Police Judge, or shall sign the petitions of more than four applicants for nomination for commissioners, then the name of said petitioner shall not be counted as a valid name on any of said petitions.

Immediately upon the expiration of the time for filing such petitions, the said county clerk shall cause to be published for three successive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear

upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon said ballots the names of said applicants for each nominee shall be placed in alphabetical order, with a square at the right of each name, and above the names of the applicants for nomination for Mayor shall be printed the words, 'Vote for one,'' and above the names of the applicants for nominations for Commissioners shall be printed the words, ''Vote for four.''

The ballots shall contain no party designation, or emblem of any kind, nor any sign indicating any applicant's political belief, or party affiliation.

Duty of County Clerk.—Having caused said ballots to be printed, the said county clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for Mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the applicants, and make return thereof to the county clerk, upon proper blanks to be furnished by said clerk, within six hours of the closing of the polls.

Vote; How Canvassed.—On the day following the said primary election the County Board of Election Commissioners shall canvass said returns so received from all the polling precincts, and shall publish in the official newspaper of the city at least once, the result hereof. Said canvass by the County Board shall be publicly made.

At such primary election the two applicants receiving the highest number of votes for nomination for Mayor shall be

thereby nominated; and the eight applicants receiving the highest number of votes for nominations for Commissioners shall be thereby nominated.

§ 7. Nominees to be Voted for at Regular Election.—At the regular election next following, the names of the nominees shall be placed in alphabetical order upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful applicants for nomination. And the one nominee receiving the greatest number of votes cast for Mayor, and the four nominees receiving the greatest number of votes cast for Commissioners, shall be elected, respectively, Mayor and Commissioners.

§ 8. Every fourth year after the regular election hereinabove provided for, at the corresponding times of the year, a primary election and an election shall be held in the same manner, and for the same offices, as above described.

§ 9. Future Elections; When to be Held.—Beginning with the second year after the regular election herein first provided for, at the corresponding times of the year, and every fourth year thereafter at the corresponding times of the year, a primary election and an election shall be held in the same manner and for the same offices as above described, except that instead of electing the Mayor, the Police Judge shall be elected.

Qualifications of Candidates.—Any legal voter of not less than twenty-five years of age, and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this act.

§ 10. Salary of Mayor.—The Mayor shall be elected for a term of four years beginning on the first Monday in January following his election; and he shall receive an annual salary of twelve hundred dollars ($1,200.00).

§ 11. Salaries of Commissioners.—The Commissioners shall be elected each for a term of two years, beginning on the

first Monday in January following his election; and each Commissioner shall receive an annual salary of five hundred dollars ($500.00).

The Commissioner of each department shall keep a public office at the city building, at which place he may be found or communicated with during stated hours, to be fixed by him for the convenience of the public, unless special duty shall call him elsewhere.

§ 12. Board.—The Mayor and the four Commissioners shall constitute a Board of Commissioners. In this Board of Commissioners shall be vested all the legislative, executive and administrative power of the city, save as herein otherwise provided.

§ 13. Quorum.—Three members of the Board of Commissioners shall constitute a quorum, but the affirmative vote of at least three members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract, or to the passage of any measure.

Upon each vote the yeas and nays shall be recorded, and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon.

The Mayor shall preside at meetings of the Board. He shall have no veto power. But each resolution, measure, or ordinance shall be signed by him, or by two Commissioners, and recorded before it shall take effect.

Mayor pro tem to be Elected.—The Board of Commissioners shall, at the beginning of its term of office elect, by a majority of all its members, one Commissioner to act as Mayor pro tem; and the Commissioner so chosen shall be invested with all the powers and shall perform all the duties of the Mayor, in the event of his absence from the city, or his inability to attend to the duties of his office.

§ 14. Ordinance; How Passed.—Every ordinance or resolution ordering the construction or re-construction of any street or sewer, or making or authorizing any contract in-

volving the expenditure of more than one thousand ($1,000.00) dollars, or granting any franchise or the right to use or occupy the streets, highways, bridges or public places of the city for any except a merely temporary purpose, shall after its introduction and before its adoption, remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except in case of emergency, the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the Board of Commissioners.

§ 15. The Board of Commissioners shall meet at least once a week for the transaction of its business. It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the Mayor or by two Commissioners. All meetings shall be public.

§ 16. Departments.—The administrative functions of the city shall be classified under five departments, to-wit:

1. Depart of Public Affairs.
2. Department of Public Finance.
3. Department of Public Safety.
4. Department of Public Works.
5. Department of Public Property.

§ 17. Rules.—The Board of Commissioners shall determine the functions of each department and shall prescribe the duties of its Commissioner and of his employes. It may assign any employe to one or more departments, or require any employe to perform duties in two or more departments. It shall make all such rules and regulations as to the conduct of the various departments as may be necessary and proper for the efficient and economic conduct of the business of the city.

§ 18. The Mayor shall be the Commissioner of the Department of Public Affairs; and he shall have a general ad-

visory supervision over the affairs of all the departments.

Superintendents of Departments.—The Board of Commissioners shall at its first regular meeting designate by majority vote, one Commissioner to have superintendence of the Department of Public Finance; one other Commissioner to have superintendence of the Department of Public Safety; one other Commissioner to have superintendence of the Department of Public Works; and one other Commissioner to have superintendence of the Department of Public Property.

§ 19. The Board of Commissioners shall also at its first meeting, or as soon thereafter as may be practicable, appoint all such employes as may be necessary for the proper and efficient conduct of the affairs of the city.

Employes; How Selected.—All such employes shall be agents, not officers, of the city; and they shall perform such duties, and for such compensation as the Board of Commissioners may by ordinance prescribe. Each employe shall be selected with reference solely to his fitness, and for the good of the public service (without reference to his political faith or party affiliation) and the Board of Commissioners shall adopt such rules and regulations looking to the appointment and discharge of employes as will tend to carry out the spirit of this provision and lead to the establishment of the merit system in public service.

§ 20. Statement to be Printed.—The Board of Commissioners shall at the termination of each month of the fiscal year cause to be printed in the official newspaper an itemized statement of all receipts and expenses of the city during the month.

Books to be Examined.—At the termination of each fiscal year the Board of Commissioners shall cause one or more competent accountants to make a complete examination of the books and accounts of the city, and shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet

form to be given to each voter who may apply for same at the proper office.

§ 21. Vacancies.—In case of the death, resignation or inability of the Mayor, causing a permanent vacancy in said office, the Mayor pro tem shall act as Mayor and shall possess all the rights and powers and perform all the duties of the Mayor and receive his salary, under the official title, however, of Mayor pro tem, until such vacancy in the office of Mayor is filled by an election ordered by the Board of Commissioners for that purpose, at which time the Mayor pro tem, if his term as Commissioner be then unexpired, shall resume his duties as such Commissioner.

Office of Commissioner Temporarily Filled.—In the event that any Commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in the event the Mayor pro tem shall be filling the office of Mayor as contemplated in section above for such period, the Board of Commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the Commissioner, whose place may thus be temporarily filled until such Commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation.

In the event of a permanent vacancy in the Board of Commissioners caused by the death, resignation, or inability of any member thereof, or in the event a permanent vacancy in the office of Mayor shall be filled by the Mayor pro tem, such vacancy shall be filled by appointment by the other members of the Board until the vacancy shall be filled by the election of a successor at the next regular election of municipal officers, as is prescribed by law, and such temporary appointee shall, for the time he serves as such, receive the salary of the Commissioner whose place he has been appointed to fill.

Vacancy; When Deemed to Exist.—A vacancy shall exist

when any elective officer fails to qualify within ten days after notice of his election, or dies (or resigns), or moves his domicile outside the city, or remains outside the city for a period of six months, or is convicted of felony, or is judicially declared insane, or is removed from office in any manner.

§ 22. Removal of Officers.—In case of misconduct, inability, or willful neglect in the performance of the duties of his office, the Mayor or any Commissioner may be removed from office by a unanimous vote of the other four members of the Board of Commissioners. But no such officer shall be so removed without having been given the right to have a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at any such hearing, and the reasons for any such removal, shall be stated in writing and filed as matter of public record.

§ 23. Ordinance May be Protested.—If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective, a petition signed by a number of voters equal to at least 25 per centum of the total number of votes cast for both candidates for Mayor at the last preceding regular election for Mayor, stating the residence of each signer, and verified as to signatures and residences by the affidavits of some one or more persons, shall be presented to the Board of Commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect, and shall be reconsidered by the Board of Commissioners.

Ordinance May be Submitted to Voters.—If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or a regular election according to law, the following question: "Shall the ordinance (briefly describing it), go into effect?" and if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority

of the votes cast upon such question be in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

§ 24. If a petition signed by a number of voters equal to at least twenty-five per centum of the total number of votes cast for both candidates for Mayor at the last preceding regular election for Mayor, stating the residence of each signer, and verified by affidavits of some one or more persons as to the signatures and residences, requesting the Board of Commissioners to pass an ordinance therein set forth—if such petition be presented to the Board of Commissioners, and if the ordinance therein requested to be passed be one that the Board has a legal right to pass, then the Board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance (briefly describing it), be passed?" If the majority of the votes cast upon said question be in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective, as soon as the result is officially ascertained and declared. And such ordinance shall not be amended or repealed, except by the voters at a regular biennial city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

Repeal or Amendment of Ordinance May be Submitted.—The Board of Commissioners may submit the question of the repeal or amendment of any such ordinance to the voters at any succeeding regular city election; and if a majority of the votes cast on such question be in favor of the repeal or amendment, such ordinance shall be thereby repealed, or amended, as the case may be:

§ 25. Whenever a question of passage of a proposed ordinance, or of the going into effect, or the repeal, or the

amendment of an ordinance, is to be submitted to the voters at an election, the Board of Commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendment, as the case may be, to be printed once in the official newspaper of the city, and in such other newspapers as the Board of Commissioners may direct, before such election.

§ 26. City to Pay Election Expenses.—The expenses of all primary elections under the provisions of this act shall be paid by the city.

§ 27. Bond to be Executed.—The Mayor and each Commissioner shall execute a bond to the city, upon which an action may be maintained by any person or persons interested in the keeping of the covenants therein contained, in the penal sum of ten thousand ($10,000.00) dollars, conditioned upon the faithful performance of his official duties; such bonds to be approved by the County Judge, and filed as matters of public record.

§ 28. Nothing herein shall be construed to apply to the organization, existence, or conducting of the affairs of the Board of Education.

§ 29. Government; How Terminated.—Whenever the citizens of any city, which shall have been organized and governed under the provisions of this act for a period of not less than four years, shall desire that the organization and government of such city under the provisions of this act shall terminate and cease and said citizens shall file with the County Judge of the county in which is located such city, written petitions signed by a number of the legal voters of said city equal to thirty-three and one-third per centum of the votes cast in said city at the last preceding general election, it shall be the duty of the County Judge of said county to receive said petition and at the next regular term thereafter to make an order on his order book, directing an election to be held in said city at the next regular election and not earlier than sixty

days after said application is lodged with the said judge, which order shall direct the sheriff or other officers of said county who may be appointed to hold said election, to open the polls at each and all voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this act.

Question Submitted.—The question to the voters shall be: "Shall the City of..... (naming said city) abandon its organization and government under the provisions of an act to amend an act entitled, 'An Act for the government of cities of the third class in the Commonwealth of Kentucky,' approved June 14, 1893, and thereafter in due course became a law and as same has since been amended, all of which said act and amendments now appear as article 3, chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof, in 1909, adopted by the General Assembly of Kentucky at the 1910 session thereof, and the laws passed by the 1912 General Assembly?" It shall be the duty of the county clerk to give to the sheriff of the county or to such other officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears on the order book, within five days after such order is made and it shall be the duty of said sheriff, or such other officer, to have such order published in some weekly or daily newspaper, published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand bills posted in conspicuous places in said city, for the same length of time.

Publication of Notices.—If there is no weekly or daily newspaper published in said city, or the proprietor of such papers refuses to publish said notice, the printed or written hand bills provided for shall be sufficient notice. The sheriff

or other such officer shall have the advertisements and notices herein provided for, posted as herein required, within seven days after he receives the orders of the county court.

Procedure After Vote taken.—It shall be the duty of the canvassing board to certify the result of said election to the county court, which certificate shall be delivered to the clerk of the county court, and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the county judge shall cause the same to be spread upon the order book of said court and the entry of said certificate on the order book, or copy thereof shall be prima facie evidence of the facts therein contained. When a majority of the votes cast shall be in favor of said proposition to be submitted, and said facts shall be certified as hereinbefore provided, by the said canvassing board to the county clerk and a copy of which shall be certified to the city clerk and said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the city council, thereupon said city shall cease to be governed by the provisions of this act, but thereafter shall be governed by the provisions of Chapter 89 of said Statutes, independent of the provisions of this act.

Mr. J. C. Duffy offered the following amendment to said bill:

Amend Section 5 by adding after the words "odd year," at the end of line 8, page 5, the following words, to-wit: "If the terms of the then Mayor and the then Police Judge should both expire with such odd year, there shall be elected by the qualified voters of said city two Commissioners and a Mayor and a Police Judge, but the term of office of such Police Judge, so elected at the same time as a Mayor is elected, shall be for two years only, so that every two years as hereinafter provided there shall be elected two Commissioners and a

Mayor or two Commissioners and a Police Judge, as the case may be.

Said amendment was agreed to.

Mr. J. C. Duffy offered the following amendment to said bill:

Amend line 31, Section 6, page 6, by striking out the word "four" and substituting the word "two."

Said amendment was agreed to.

Mr. J. C. Duffy offered the following amendment to said bill:

Amend line 1 of Section 8, page 6, by striking out the word "one" and substituting the word "two" and of line 2, Section 8, page 8, by striking out the word "Commissioner" and substituting the word "Commissioners."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Harry Avery	C. M. Gum	S. Mazyck O'Brien
Jas. W. Barrall	E. V. Hall	Lilburn Phelps
Geo. B. Barrett	Elwood Hamilton	William A. Perry
Joseph Boitnott	W. L. Hampton	Dr. T. J. Poteet
Elmer L. Brown	H. H. Harrington	J. D. Pumphrey
A. T. Bryson	H. H. Hays	Richard Radcliffe
C. W. Burton	D. H. Hillman	Stanley F. Reed
Glover H. Cary	R.B.Hutchcraft,Jr.	S. H. Rogers
Ed. F. Cecil	John A. Judy	W. E. Rogers
J. G. Coke, Jr.	Griffin Kelly	S. M. Saufley
John W. Douglas	J. C. Lay	A. W. Sharp
H. C. Duffy	Simon B. Lott	L. M. Smith
John C. Duffy	C. R. Luker	Ed. D. Stone
William Duffy	Dr.J.N.M'Cormack	W. T. Stott
Odie Duncan	Geo. M. McDowell	M. S. Walton, Jr.
G. P. Durrett	John McDyer	James T. Webb
Thomas J. Evans	W. T. McNally	W. M. Webb
M. J. Farris, Jr.	T. T. Mobley	N. B. White
W. N. Flippin	Zach. L. Myers	M. O. Wilson
Frank C. Greene	John E. Newman	Roy S. Wilson

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Those voting in the negative were—

J. R. Mount	Dr. W. R. Ray	J. D. Wills

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Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 217. An Act authorizing the Commissioners of the Sinking Fund of Kentucky to sell and convey the house and ground known as the Governor's old mansion and appropriating money to complete and furnish the Governor's new mansion.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund of Kentucky are authorized and empowered to sell and convey that certain house and lot of ground located in the city of Frankfort, Franklin County, Kentucky, which is bound by High Street, Clinton Street, Ann Street, and Jillson's Alley, and is known as the Governor's Old Mansion. Said Commissoners of the Sinking Fund of Kentucky will cause said sale to be made at public auction after the same has been duly advertised for at least fifteen days. Before making said sale they will cause said ground to be laid off into separate lots, and they will first offer said lots for sale separately, and then they will offer the property as a whole, and they will accept the highest and best bid; Provided, however, that said Commissioners of the Sinking Fund of Kentucky shall have the right to reject any and all bids in the event they should be of the opinion that the property has not brought a fair price. The said Commissioners of the Sinking Fund of Kentucky shall make said sale on the following terms: One-third cash, one-third in six months with interest from date of sale, and one-third in twelve months with interest from date of sale; but they shall have the right to accept the full amount of the purchase price in cash if the purchaser desires to make such payment. A lien shall be retained on said property to secure the deferred payments.

§ 2. The money derived from the sale of said property shall be paid into the State treasury, and there is appropria-

ted out of the money realized from the sale of said property, or any other money in the treasury not otherwise appropriated, the sum of $19,902.40 for the purpose of paying the outstanding obligations necessary to complete and furnish the Governor's New Mansion, and the Auditor of Public Accounts will, on the order of the Commissioners of the Sinking Fund, draw his warrant on the State Treasurer in favor of those persons holding obligations for work, labor, material and furnishing the Governor's New Mansion.

§ 3. The Governor of the Commonwealth of Kentucky has moved from the property herein directed to be sold and conveyed to the Governor's New Mansion, which leaves the Governor's Old Mansion unoccupied. Therefore, an emergency is declared to exist, and this act shall take effect as soon as the same is passed and approved by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	Glover H. Cary	Odie Duncan
Jas. W. Barrall	J. G. Coke, Jr.	G. P. Durrett
Geo. B. Barrett	James R. Dorman	Thomas J. Evans
Henry C. Blades	John W. Douglas	John F. Fryer
Joseph Boitnott	John Drescher	Frank C. Greene
Elmer L. Brown	H. C. Duffy	E. V. Hall
A. T. Bryson	John C. Duffy	Elwood Hamilton
C. W. Burton	William Duffy	W. L. Hampton

V. D. Hammond	John McDyer	W. A. Price
H. H. Harrington	W. T. McNally	J. D. Pumphrey
J. B. Harvey	T. T. Mobley	Richard Radcliffe
H. H. Hays	Harry J. Meyers	Stanley F. Reed
R.B.Hutchcraft,Jr.	Zach. L. Myers	S. H. Rogers
J. M. Johnson	John E. Newman	A. W. Sharp
John A. Judy	C. B. Nichols	M. S. Walton, Jr.
Griffin Kelly	S. Mazyck O'Brien	L. M. Smith
John H. Klette	A. J. Oliver	Adam Spahn
William J. Kuh	A. W. Palmer	W. T. Stott
J. C. Lay	Lilburn Phelps	James T. Webb
Simon B. Lott	William A. Perry	W. M. Webb
Dr.J.N.M'Cormack	John A. Polin	N. B. White
Geo. M. McDowell	Dr. T. J. Poteet	M. O. Wilson

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Those voting in the negative were—

Ed. F. Cecil	J. J. Huff	B. T. Rountree
M. J. Farris, Jr.	C. R. Luker	S. M. Saufley
W. N. Flippin	J. R. Mount	W. A. Shawler
C. M. Gum	Lyman J. Parrigin	Ed. D. Stone
Dr. S. L. Henry	Dr. W. R. Ray	N. C. Tilford
D. H. Hillman	W. E. Rogers	J. D. Wills

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Resolved, That the title thereof be as aforesaid.

Mr. ———— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Governor announcing that he had signed House Resolutions of the following titles:

H. Res. 20. Joint resolution petitioning Congress to

enact a law permitting the growers of tobacco to twist the tobacco of their own raising and sell same free from any tax.

H. Res. 26. Resolution providing for an assistant to the Superintendent of Public Printing at a salary of seventy-five dollars per month

H. Res. 37. Resolution requesting that the program and addresses of Governer James B. McCreary, Ex-Governor J. C. W. Beckham and Augustus Owsley Stanley at the unveiling of the monument of Governor William Goebel be spread at large on the journals of the House and Senate.

A message was received from the Governor announcing that he had approved and signed House Bills No. 63 and 134, viz.:

H. B. 63. An Act to establish an Insurance and Annuity Fund for teachers in the public schools of cities of the second class in the State of Kentucky, and to regulate the collection, management and disbursement thereof.

H. B. 134. An Act to punish the making or use of false statements to obtain property or credit, and making certain offenders personally liable.

A message was received from the Senate announcing that they had adopted the following resolution:

S. Res. 28. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*:

That whereas, Honorable John W. Berkshire, member of the State Senate from the Twenty-third District, died on the first day of March, 1914, before the expiration of the 1914 term of the General Assembly, and

Whereas, there would have been due him, had he lived, compensation for sixteen legislative days at ten dollars per day, and

Whereas, he was a valuable and upright representative, at all times striving to do his full duty toward the people of Kentucky, and especially of his Senatorial District; therefore,

Be it resolved, That Mrs. Fanny Berkshire, widow of the said John W. Berkshire, be, and she is hereby, allowed the sum of one hundred and sixty dollars for sixteen legislative days, which will have elapsed between the date of the death of Senator Berkshire and the final adjournment of the General Assembly of Kentucky on the seventeenth day of March, 1914, and the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer of Kentucky for said sum of one hundred and sixty dollars, payable to the aforesaid Fanny Berkshire, and the Treasurer is directed to pay said sum out of any moneys on hand.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	William Duffy	J. J. Huff
Wallace Bailey	G. P. Durrett	R.B.Hutchcraft,Jr.
J. M. Billeter	Vert C. Fraser	J. M. Johnson
Henry C. Blades	Ed. Frost	T. R. Jones
Joseph Boitnott	John F. Fryer	John A. Judy
Elmer L. Brown	Frank C. Greene	Griffin Kelly
A. T. Bryson	C. M. Gum	John H. Klette
C. W. Burton	Elwood Hamilton	William J. Kuh
Glover H. Cary	W. L. Hampton	J. C. Lay
Ed. F. Cecil	V. D. Hammond	Simon B. Lott
J. G. Coke, Jr.	H. H. Harrington	Dr.J.N.M'Cormack
James R. Dorman	J. B. Harvey	Geo. M. McDowell
H. C. Duffy	H. H. Hays	John McDyer

W. T. McNally	William A. Perry	S. M. Saufley
T. T. Mobley	John A. Polin	A. W. Sharp
John E. Newman	Dr. T. J. Poteet	Adam Spahn
C. B. Nichols	W. A. Price	N. C. Tilford
S. Mazyck O'Brien	J. D. Pumphrey	M. S. Walton, Jr.
A. J. Oliver	Richard Radcliffe	N. B. White
A. W. Palmer	Stanley F. Reed	M. O. Wilson
Lyman J. Parrigin	W. E. Rogers	Roy S. Wilson
Lilburn Phelps	B. T. Rountree	—65

Those voting in the negative were—

John W. Douglas	J. R. Mount	James T. Webb
M. J. Farris, Jr.	Dr. W. R. Ray	J. D. Wills
W. N. Flippin		—7

And so said resolution was adopted.

A message was received from the Senate announcing that they had passed bills originating in the House of the following titles, viz.:

H. B. 72. An Act to amend Sub-section two of section 3490, Chapter 89, Kentucky Statutes.

H. B. 159. An Act to amend and re-enact Sections 3957 and 3958, Chapter 105, Kentucky Statutes, Carroll's Edition 1909, relating to public printing and binding and stationery, being an Act of June 20, 1893.

H. B. 154. An Act to provide a stenographer for the County Judge of counties having a population of two hundred thousand and over.

H. B. 57. An Act relating to the drainage of lands, the duties of the owners thereof through which ditches, drains, creeks or non-navigable streams pass, prescribing the method

of procedure, the assessment and collection of the cost and expense thereof and prescribing the duties of officers relative thereto.

H. B. 192. An Act to change the time of the Circuit Courts in the county of Cumberland in the 29th Judicial District.

H. B. 265. An Act to amend Sub-section 2 of Section 8 of an Act of the Commonwealth of Kentucky, entitled "An Act relating to husband and wife and entitled 'Husband and Wife,'" approved May 16, 1893, being Chapter 205, Session Acts of the Legislature of Kentucky, 1893, and also being Sub-section 2 of Section 2103, Kentucky Statutes, 1909, John D. Carroll's Edition.

H. B. 13. An Act relating to the holding of circuit courts in counties having therein cities of the sixth class or larger, located within two miles of the geographical center of said county and ten miles or more from the county seat thereof.

H. B. 76. An Act to amend an Act entitled "An Act to provide for the nomination of candidates by political parties at primary elections and placing the names of candidates to be voted for at general elections and prescribing penalties for the violation thereof."

Mr. Greene offered the following resolution:

Whereas, the 1914 session of the General Assembly is about ready to finally adjourn, and

Whereas, there have been introduced in the House 635 bills and in the Senate 363 bills, all of which have been printed and many reprinted with amendments and substitutes, and

Whereas, the Legislative Digest has presented without

serious error, each bill by its number and each step taken thereon, together with the proceedings of the day before, making the Legislative Digest absolutely indispensable, and

Whereas, both the printed bills and the Digest have been most accurate and have been delivered with wonderful speed, causing no delay and at very low cost,

Be it resolved by the House of Representatives, That the State Journal, printers to the Commonwealth, and Graham Vreeland, James L. Newman, L. V. Armentrout, M. L. Staadeker, Roger Burlingame and Fred Ballard, editors of the Legislative Digest, are deserved of the hearty commendation from the members of this House and that we do now express our appreciation of their most excellent work.

Said resolution was adopted.

Mr. J. T. Webb offered the following resolution:

Whereas, a deed from the Kentucky Children's Home Society, a corporation, to the State of Kentucky, was referred by the House of Representatives to the Committee on Judiciary, and the committee having met and considered the matter, therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the said deed be accepted by the Commonwealth of Kentucky and lodged for record.

Mr. Perry offered the following amendment to said resolution, viz.:

That said resolution be amended by adding the following:

That the Auditor of the Commonwealth of Kentucky be and he is directed to draw his warrant on the Treasurer for

the payment of the semi-annual interest as it becomes due on the mortgage and for the payment of the mortgage thereon as it becomes due.

Said amendment was disagreed to.

Said resolution was disagreed to.

Mr. Ray offered the following report in writing:

The Committee on State Prisons and House of Reform beg leave to report that it has made a thorough inspection of the Kentucky State Reformatory at Frankfort, and this institution reflects credit on the Prison Commissioners, Daniel E. O'Sullivan, M. F. Conley and Henry R. Lawrence and on Warden A. J. G. Wells.

They have labored hard to bring this prison to a high state of efficiency. Not only is the physical condition of the Reformatory better than ever before in its history, but every improvement that modern thought and effort can devise has been adopted to raise the institution to the front rank. The Prison Commissioners have striven to send every convict back into society a better man, morally and intellectually, his conscience quickened by spiritual instruction, his mind broadened by education and his whole nature improved by kind treatment. The abolition of the lash by the present board has been a potent influence for good. Giving the convicts part of their earnings has brought a comfort they had not known for years and thousands of dollars have been sent home to aid their suffering families.

The night schools are rapidly wiping out illiteracy among the prisoners, hundreds of eager pupils making up the classes. The State Frankfort Reformatory is a credit to the State Administration and the public at large are indebted to the Prison Commissioners and to Judge Wells, who has done such ad-

mirable work as warden for the change in prison methods which has brought about this transformation.

W. W. RAY,
JOHN MCDYER,
G. H. CARY,
C. B. NICHOLS,
W. M. WEBB,
D. H. HILLMAN,
ELWOOD HAMILTON,
JOHN DRESHER.

Mr. Ray moved that said report be accepted.

Said motion was agreed to.

The House took up for consideration a bill entitled:

H. B. 265. An Act to amend Sub-section 2 of Section 8 of an Act of the Commonwealth of Kentucky, entitled "An Act relating to husband and wife and entitled 'Husband and Wife,' " approved May 16, 1893, being Chapter 205, Session Acts of the Legislature of Kentucky 1893 and also being Sub-section 2 of Section 2103, Kentucky Statutes, 1909, John D. Carroll's Edition.

(For said bill see House Journal, Feb 3rd.)

Together with amendments proposed thereto by the Senate.

The amendments proposed thereto by the Senate are as follows:

Amendments to H. B. 265—

Amend by inserting in Sub-section second of Section 8

after the word "and" the word "such," and after the word "peace," in said Sub-section, the words "as the Governor of the State or the County Court," so that said sub-section as amended shall read as follows:

"Second. Judges of the County Court, and such Justices of the Peace as the Governor of the State or the County Court may authorize."

Amend House Bill No. 265, by adding thereto the following: "It shall be unlawful for any person, for compensation or reward, to solicit, persuade, entice, direct, or induce other persons about to be married to go to or before any minister or other person authorized to solemnize marriage to be married, or to receive any part of any sum of money or other remuneration paid such minister or other person for selemnizing marriage; and it shall be unlawful for any minister or other person authorized to solemnize marriage to pay or give to or divide or share with any other person any sum of money or other thing obtained by them for solemnizing marriage.

"Any person violating the provisions of this Act shall be fined not less than ten dollars and no more than one hundred dollars, for each offense, in the discretion of the judge or jury."

Amend House Bill 265 by adding thereto Sub-section 4 after Sub-section 3, Section 8, the following:

Sub-section 4. It shall be the duty of the County Court Clerk of the various counties of this Commonwealth to use the following form when issuing marriage license:

MARRIAGE LICENSE.

Kentucky ..... To-wit:

To Any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of

the Commonwealth of Kentucky .....
and .....

Given under my hand, as clerk of .....
Court of ..... County (or city), this
..... day of ....., 191.....

.....Clerk.

MARRIAGE CERTIFICATE.

Kentucky: In the Clerk's office of the .....
Court for the county (or city) of .....
Date of marriage ..... Place of
marriage .....
Full names of parties .....
.....
Age of husband ..... years: Condition (single,
widowed or divorced) .....
Age of wife ..... years. Condition (single,
widowed or divorced). .....
Race (white or colored) .....
Husband's place of birth .....
Residence .....
Wife's place of birth .....
Residence .....
Names of Parents { Husband ..... and .....
Wife ..... and .....
Occupation of husband .....

Given under my hand this ..... day of .....
191.....

.....
Clerk.

I, ..., a .....
of the ..... church, or religious order of that
name, do certify that on the ..... day of .....,
19.....; at ..... Kentucky, under authority of
the above license, I united in marriage the persons named and
described therein. I qualified and gave bond according to

law authorizing me to celebrate the rites of marriage in the county (or city) of ....., State of Kentucky.

Given under my hand, this ..... day of ....., 191.....

.....

Person who performed ceremony sign here

CERTIFICATE OF PERSON PERFORMING MARRIAGE CEREMONY.

(To be returned and delivered to parties married.)

I, ..., a ..... of the ..... Church, or religious order of that name, do certify that on the ..... day of ....., 191....., at ....., Kentucky, under authority of a license issued by ....., Clerk of ..... Court of ..... County (or city), State of Kentucky, dated the ..... day of ....., 191....., I united ....., husband and ....., his wife.

Given under my hand this ..... day of ....., 191.....

.....

Person who performed ceremony sign here

Said amendments were concurred in.

Said bill, as amended, was then finally passed.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Geo. B. Barrett	C. W. Burton	John Drescher
Henry C. Blades	Glover H. Cary	John C. Duffy
Joseph Boitnott	John W. Douglas	William Duffy

G. P. Durrett	T. R. Jones	Lilburn Phelps
Vert C. Fraser	John A. Judy	William A. Perry
John F. Fryer	John H. Klette	John A. Polin
Frank C. Greene	William J. Kuh	W. A. Price
E. V. Hall	J. C. Lay	J. D. Pumphrey
Elwood Hamilton	Simon B. Lott	Richard Radcliffe
W. L. Hampton	John McDyer	Dr. W. R. Ray
V. D. Hammond	W. T. McNally	W. T. Stott
H. H. Harrington	T. T. Mobley	M. S. Walton, Jr.
J. B. Harvey	J. R. Mount	James T. Webb
H. H. Hays	Zach. L. Myers	W. M. Webb
D. H. Hillman	John E. Newman	N. B. White
R.B.Hutchcraft,Jr.	C. B. Nichols	J. D. Wills
J. M. Johnson	S. Mazyck O'Brien	M. O. Wilson

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Those voting in the negative were—

Harry Avery	M. J. Farris, Jr.	S. M. Saufley
Jas. W. Barrall	W. N. Flippin	W. A. Shawler
Ed. F. Cecil	C. M. Gum	L. M. Smith
H. C. Duffy	W. E. Rogers	N. C. Tilford
Odie Duncan	B. T. Rountree	Roy S. Wilson

—15

Mr. Klette moved that the vote by which said bill as amended was finally passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration a bill entitled:

H. B. 13. An Act relating to the holding of Circuit Courts in counties having therein cities of the sixth class or larger, located within two miles of the geographical center of said county and ten miles or more from the county seat thereof.

(For said bill see House Journal, Jan. 26th).

Together with the amendment as proposed by the Senate thereto.

Said amendment reads as follows:

Amend by striking out the words "ten miles or more" in Section 1, and inserting in lieu thereof the words "eleven miles or more."

Amend by adding thereto the following:

Sec. 7. That upon the presentation to the County Judge of a petition signed by ten per cent of the legal voters of the county, calling for an election to determine whether Circuit Courts shall be held at a place other than the county seat, the County Judge shall immediately appoint a capable civil engineer and two commissioners, who shall survey said county and determine the distance of said place other than the county seat from said county seat and from the geographical center of said county and file their report and plat of survey with the county court at the next succeeding regular term, which shall lay over 30 days for exceptions, the cost of said survey to be paid out of the county levy. After said report is confirmed the County Judge shall call an election, which shall not fall within sixty days of the filing of such petition. Said petition shall set out specifically the name of the town other than the county seat at which it is desired to have said court so held. Such election shall be held at the same time and places as the regular election, and the officers of the regular election shall be officers of such election.

In the event that a majority of the votes cast at such election are cast in favor of such proposition to hold the Circuit court at a place other than the county seat, it shall be lawful for the circuit Court to be held at such place. But if a majority of the votes cast at such election shall be against such

proposition, then such question shall not be again submitted to the voters of the county for a period of five years.

Said amendments were concurred in.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows:

Those voting in the affirmative were—

Harry Avery	H. H. Harrington	C. B. Nichols
Jas. W. Barrall	H. H. Hays	S. Mazyck O'Brien
Geo. B. Barrett	Dr. S. L. Henry	A. J. Oliver
Joseph Boitnott	D. H. Hillman	Lilburn Phelps
Elmer L. Brown	J. J. Huff	William A. Perry
C. W. Burton	R.B.Hutchcraft,Jr.	W. A. Price
Glover H. Cary	T. R. Jones	Richard Radcliffe
Ed. F. Cecil	John A. Judy	W. E. Rogers
J. G. Coke, Jr.	Griffin Kelly	S. M. Saufley
James R. Dorman	John H. Klette	W. A. Shawler
John W. Douglas	William J. Kuh	L. M. Smith
John Drescher	Simon B. Lott	Adam Spahn
H. C. Duffy	C. R. Luker	Ed. D. Stone
John C. Duffy	Dr.J.N.M'Cormack	N. C. Tilford.
G. P. Durrett	Geo. M. McDowell	James T. Webb
Vert C. Fraser	John McDyer	W. M. Webb
Ed. Frost	W. T. McNally	N. B. White
John F Fryer	T. T. Mobley	M. O. Wilson
Frank C. Greene	Zach. L. Myers	Roy S. Wilson
W. L. Hampton	John E. Newman	—59

Those voting in the negative were—

C. M. Gum	John A. Polin	—2

The House took up for consideration a bill entitled:

H. B. 76. An Act to amend an Act entitled "An Act to provide for the nomination of candidates by political parties at primary elections and placing the names of candidates to be voted for at general elections and prescribing penalties for the violation thereof."

Together with the amendments as proposed by the Senate thereto.

(For said bill see House Journal Feb. 19th.)

Said amendments as proposed thereto by the Senate are as follows:

Amend by inserting after the word "elections," in line 21 on page 16, the words: "Except that in the case of women electors the qualifications shall be as prescribed in Chapter 47 of the Acts of the General Assembly of 1912."

Amend House Bill No. 76 by striking out of said Act the whole of Section eight (8) thereof.

Amend House Bill 76 in Senate by adding Section 17 thereto, to be as follows:

In any year in which any general election is held, where school officers are to be voted for, or school questions are to be voted upon, in which women are entitled to vote as provided in Chapter 47 of the Acts of the General Assembly of 1912, such women voters as are qualified to vote under said law, may be specially registered as provided in section 20 of the Primary Election Act, and it shall be the duty of the County Clerk to permit all women qualified under said act to so specifically register.

Amend H. B. 76 by inserting immediately after Section 10, as section 10a, the following:

10a. That section 25 of Chapter 7 of the Acts of 1912 be and the same is hereby amended by striking out all of said section beginning with the first word thereof down to and including the word "elections" in the 12th line and inserting in lieu thereof the following:

Immediately after the close of the polls at a primary nominating election and before the ballot boxes are opened, the officers of election shall count all the remaining ballots that have not been used and shall stamp with a rubber stencil the word "unused" upon the face of each unused ballot so as to be plainly seen. And in their certificate of the results of the election they shall certify how many ballots were not used and the ballots that were not used shall be left attached to the stub book, which shall be returned to the County Clerk as is now required by law. The County Clerk, before receipting for the ballot boxes, shall count the unused ballots and see that they are properly stamped and in his receipt given to the election officer delivering the ballot boxes he shall state the number of unused ballots and that the same are properly stamped. Then the names of the electors of each political party who voted at said primary nominating election shall be counted and the number so voting for each political party shall be written and certified in each of the poll books on a blank certificate prepared for that purpose and signed by all election officers at the precinct in the same manner as provided or may hereafter be provided for as to certifying and signing the official returns in said general elections."

Also amend by inserting the following at the close of said section, viz.:

"It shall be the duty of the County Clerk to furnish to the election officers of each precinct in the county a rubber stencil containing the word "unused," the letters of which shall not be less than one-half inch in height. Said stencil

shall be returned to the County Clerk at the same time and in the same manner that the county election seal for the precinct is returned. It shall also be the duty of the County Clerk to have this Act printed in full in his instructions to election officers."

So that said Section 25, when so amended, shall read as follows:

Sec. 25. Immediately after the close of the polls at a primary nominating election and before the ballot boxes are opened, the officers of election shall count all the remaining ballots that have not been used and shall stamp with a rubber stencil the word "unused" upon the face of each unused ballot so as to be plainly seen. And in their certificate of the results of the election they shall certify how many ballots were not used and the ballots that were not used shall be left attached to the stub book, which shall be returned to the County Clerk as is now required by law. The County Clerk, before receipting for the ballot boxes, shall count the unused ballots and see that they are properly stamped and in his receipt given to the election officers delivering the ballot boxes he shall state the number of unused ballots, and that the same are properly stamped. Then the names of the electors of each political party who voted at said primary nominating election shall be counted and the number so voting for each political party, shall be written and certified in each of the poll books on a blank certificate prepared for that purpose and signed by all election officers at the precinct in the same manner as is provided or may hereafter be provided for, certifying and signing the official returns in said primary elections or the returns in said general elections. Said officers of election shall count the number of ballots cast by each political party, and shall keep them separate, so that all the ballots belonging to one party shall be in one bunch and the ballots belonging to another party in another bunch, and so on as to all parties who participate in such primary election. As soon as the officers of elections have thus sepa-

rated, sorted and bunched the ballots for each political party, then they shall take the tally sheets provided by the County Clerk and shall count all the ballots for each political party separately until the count is completed and shall certify to the number of votes for such candidate for nomination for each office upon the ticket of each party. They shall then place the counted ballots in the ballot box of each respective political party after first fastening and sealing said ballots for each political party in a separate bundle, and sealing them for transmission to the County Clerk as is now or may hereafter be required for the transmission of ballots voted at regular election. Said election officers shall then place the tally sheet for each political party in separate envelopes provided for that purpose by the County Court Clerk and they shall seal said envelopes and place them in the ballot box of such party. They shall then place all contested, disputed and spoiled ballots in envelopes prepared for that purpose and seal the same and place same in the ballot boxes. Then after the officers of election have thus counted, certified and prepared the election returns, they shall put the certified election returns in the ballot box of each respective political party, together with all the supplies that are to be used in connection with said election, such as stencil, ink pads, sealing wax, stamps, seals and other supplies that are or may be required to be returned to the County Court Clerk, and lock said ballot boxes; and the sheriff of election and that judge who is of the opposite political affiliation, shall immediately take and deliver said ballot boxes with the electon returns to the County Court Clerk, and the same shall be receved and receipted for in the same manner as the ballot boxes and election returns in general elections, except that said ballot boxes shall be opened by the County Court Clerk and the returns therein destroyed within ten days before the succeeding November election: Provided, that when a contest has been instituted and not disposed of, the ballot boxes shall not be opened by said clerk until after said contest has been finally disposed of.

It shall be the duty of the County Clerk to furnish to the election officers of each precinct in the county a rubber stencil containing the word "unused" the letter of which shall not be less than one half inch in height. Said stencil shall be returned to the County Clerk at the same time and in the same manner that the county election seal for the precinct is returned. It shall also be the duty of the County Clerk to have this act printed in full in his instructions to election officers.

Amend Section 5 by strikng therefrom the word "voters," in line 46, and substituting therefor the word "voted."

By inserting a comma between the word "nomination" and the word "by," in line 51.

By striking therefrom the word "vacancies" at the end of line 52 and the beginning of line 53 and substituting therefor the word "vacancy."

By striking therefrom the word "nominations," in line 53, and substituting therefor in both instances the word "nomination." By striking therefrom the word "have," in line 53, and substituting therefor the word "has."

By striking therefrom the word "certificates," in line 54, and substituting therefor the word "certificate," and by striking therefrom the word "to," in line 56.

Amend Section 6 by inserting the figure 6 at the beginning of line 85, page 9.

Amend Section 6 by striking therefrom, beginning with the word "to" in line 131, the following: "To which the applicant belongs," and insert in lieu thereof the following: "At whose hands the applicant seeks the nomination."

Amend Section 9 by striking therefrom the words "basis of per centage" in line 8, and substitute therefor the words, "certificate where only one candidate files papers."

Amend Section 17 by striking therefrom the word "section" in line 18 and substituting therefor the word "paragraph."

Amend Section 19 by striking therefrom, beginning with the word "for," in line 25, the following: "For whose nominees he intends to cast his vote," and insert in lieu thereof the following: "In whose primary he seeks to cast his vote."

Amend section 27 by inserting between the word "court" and the word "as" in line 24, the following: "In the county where the cause of action arises."

Amend Section 26 by striking therefrom the word "of," between the word "seal" and the word "the" in line 84, and insert in lieu thereof the word "to."

Said amendments were concurred in.

Said bill was then finally passed as amended.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	Glover H. Cary	H. C. Duffy
Jas. W. Barrall	Ed. F. Cecil	William Duffy
Henry C. Blades	Geo. T. Davis	Odie Duncan
Joseph Boitnott	John W. Douglas	G. P. Durrett
Elmer L. Brown	John Drescher	Thomas J. Evans

M. J. Farris, Jr.	John H. Klette	Richard Radcliffe
Vert C. Fraser	William J. Kuh	Dr. W. R. Ray
Ed. Frost	Dr.J.N.M'Cormack	Stanley F. Reed
John F. Fryer	Geo. M. McDowell	S. H. Rogers
Frank C. Greene	T. T. Mobley	W. E. Rogers
E. V. Hall	J. R. Mount	S. M. Saufley
W. L. Hampton	Harry J. Meyers	W. A. Shawler
V. D. Hammond	Zach. L. Myers	Adam Spahn
H. H. Harrington	John E. Newman	W. T. Stott
H. H. Hays	C. B. Nichols	N. C. Tilford
Dr. S. L. Henry	S. Mazyck O'Brien	M. S. Walton, Jr.
D. H. Hillman	A. W. Palmer	James T. Webb
R.B.Hutchcraft,Jr.	William A. Perry	N. B. White
J. M. Johnson	John A. Polin	J. D. Wills
T. R. Jones	Dr. T. J. Poteet	Roy S. Wilson
John A. Judy	W. A. Price	
Griffin Kelly	J. D. Pumphrey	—64

Those voting in the negative were—

W. N. Flippin	J. C. Lay	A. W. Sharp
J. B. Harvey	C. R. Luker	Ed. D. Stone
W. E. Henninger	Lilburn Phelps	W. M. Webb
J. J. Huff	B. T. Rountree	—11

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 229. An Act to amend Chapter 75 of the Acts of the General Assembly of 1912, assigning cities and towns of this Commonwealth to the class to which they belong.

H. B. 72. An Act to amend Sub-section 2 of Section 3490, Chapter 89, Kentucky Statutes.

H. B. 57. An Act relating to the drainage of lands, the duties of the owners thereof through which ditches, drains,

creeks or non-navigable streams pass, and prescribing the method of procedure, the assessment and collection of costs and expense thereof and prescribing the duties of officers relative thereto.

H. B. 154. An Act to provide a stenographer for the County Judge of counties having a population of two hundred thousand or over.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 3. An Act to amend and re-enact Section 1309,

Kentucky Statutes, Carroll's Edition, 1909, relating to carrying concealed weapons.

S. B. 81. An Act to provide the time and manner of electing United States Senators.

S. B. 303. An Act to amend an Act entitled "An Act to incorporate the Kentucky Institution for the Education of the Blind and to provide for the regulation thereof."

Whereupon all other business was suspended and said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk delivered the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 159. An Act to amend and re-enact Sections 3957 and 3958, Chapter 105, Kentucky Statutes, Carroll's Edition 1909, relating to public printing and binding and stationery, being an Act of June 30, 1893.

H. B. 192. An Act to change the time of holding the regular terms of the Circuit Courts in the county of Cumberland in the 29th Judicial District.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Walton moved that this House recess until 2:00 p. m.

Said motion was agreed to.

AFTERNOON SESSION.

At 2:00 o'clock the House reconvened.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 268. An Act to amend an Act of March 5, 1898, entitled "An Act to create a Board of Penitentiary Commissioners, and to regulate the penal institutions of this Commonwealth," as further amended by an Act of March 1, 1912, and to provide for the discontinuance of the contract system of prison labor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled: "An Act to create a Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth," which became a law without the signature of the Governor of this Commonwealth, on March 5, 1898, which said Act was further amended by an Act which became a law March 1, 1912, be, and the same is hereby amended by adding to said act as amended the following:

§ 2. From and after the passage of this act no contract whatsoever shall be made by which the labor or time of any inmate of any penal, correctional or reformatory institution of this State, or the product or profit of his work shall be let, contracted for, leased, farmed out, given or sold to any person, firm or corporation, except that the inmates of such institutions may work for, and the product of their labor may be disposed of to the State or any political sub-division thereof, or to any public institution, owned, managed, or under control, of the State or of any political sub-division thereof, or any other institution, supported in whole or in part by State or

county taxation, said work being for the purpose and according to the provisions of this Act. Provided, however, that nothing herein contained shall affect any existing valid contract for prison labor; and provided further, that no existing contract for such labor shall be renewed or extended unless such renewal or extension was made a valid part of said contract at the time of the making thereof; and provided further, that during the continuance of said valid contract the prison contractors shall be subject to all the provisions contained in Sections 13, 14, 15, 16 and 17 of the act hereby amended, as said sections existed before the amendment now made thereto was passed. Provided, however, that the Prison Commissioners may at their option, enter into contracts for the labor of such prisoners as may not be employed; but no contract entered into or renewed shall expire at a later date than July 1, 1916.

§ 3. The Board of Prison Commissioners shall cause all the inmates of such institutions who are physically capable thereof, to be employed for such period of time per day, and on such days as the Board of Prison Commissioners shall determine. Such employment shall be either for the purpose of the manufacture or production of supplies for such institutions, or for the State, or for any political sub-division thereof, or for any public institution owned, managed or under control of the State, or of any political sub-division thereof, or any other institution supported in whole or in part by State or County taxation; or for the preparation or manufacture of building material for the construction or repair of State, Penal, Reformatory or Correctional Institutions; or for the purpose of Industrial or Scholastic training and instruction; or for the making of such products or the doing of such work as may be lawfully made or done by such inmates, for any of the institutions above mentioned; or for the production for sale to private individuals or corporations of such products or commodities as are not now produced in the Commonwealth of Kentucky by free labor; or that will come in hurtful

competition with free labor in this State; or partly for one and partly for the other of such purposes.

§ 4. The proper authorities charged with the duty of purchasing supplies for all departments of the State or any political sub-division thereof, and of all public institutions owned, managed or under the control of the State, or of any political sub-division thereof, and of all other institutions supported in whole or in part by State or county taxation, are authorized and directed to purchase through the Board of Prison Commissioners all articles or supplies manufactured under the provisions of this act, in the penal, correctional or reformatory institutions of this State, needed for use in such institutions and department and political sub-divisions, and they shall not purchase any supples or articles that are manufactured under the provisions of this Act in said penal, correctional or reformatory institutions from any other source, unless the said Board of Prison Commissioners shall first certify on requisition made to it that such articles or supplies cannot be furnished, or unless articles or supplies of the same kind and quality can be purchased elsewhere at a less price.

§ 5. On or before January first and July first in each year the proper authorities charged with the duty of purchasing supplies for all departments of the State or any political sub-division thereof, and all public institutions owned, managed or under the control of the State or any political sub-division, and all other institutions supported in whole or in part by State or county taxation, shall report to the Board of Prison Commissioners estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them, that can be furnished by said penal, correctional or reformatory institutions of the State. The Board of Prison Commissioners is authorized to make regulations for said reports, and to provide for the manner in which requisitions shall be made for supplies.

§ 6. The said Board of Prison Commissioners shall have power to determine the cost of production of any

article manufactured as herein provided for, and the price at which said articles are to be sold as herein provided for, and for this purpose may establish a uniform system of accounting and cost of production for materials and labor provided for in this Act.

§ 7. It shall be the duty of said Board of Prison Commissioners to secure the employment of as many inmates of the penal, correctional and reformatory institutions of this State as may be employed advantageously in agricultural pursuits; and all surplus products resulting from such industries, over and above those required for the use of those institutions where produced, shall be disposed of in the same manner as all other products.

§ 8. The said Board of Prison Commissioners shall cause to be prepared information containing a description and price list of all articles manufactured under the provisions of this Act, and such information shall be sent to the proper authorities charged with the duty of purchasing supplies for all departments and institutions to which the provisions of this act apply. The receipt of said information by said authorities shall be sufficient notice to them that the articles described in said information are, or about to be, manufactured in the penal, reformatory or correctional institutions of this State.

§ 9. The Board of Prison Commissioners shall, with the approval of the State Board of Sinking Fund Commissioners, expend such sums as may be necessary for the purchase of the necessary machinery and supplies for carrying out the provisions of this Act, not exceeding the sum of thirty thousand ($30,000) dollars. In addition thereto the Board of Prison Commissioners are authorized to employ expert mechanics to enable them to put this act in operation, to be paid as other officers are paid. Provided, however, that any money realized from the work of said convicts under the provisions of this act, shall be covered into the State Treasury, and shall be credited to the institution producing such money;

and the Prison Commissioners may, with the approval of the Board of Sinking Fund Commissioners, use such money for the continuance and extension of the work provided for in this act.

§ 10. All acts and parts of acts in conflict herewith are hereby repealed.

Mr. Coke moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Geo. B. Barrett	Frank C. Greene	S. Mazyck O'Brien
J. M. Billeter	H. H. Harrington	Lilburn Phelps
Elmer L. Brown	J. J. Huff	William A. Perry
A. T. Bryson	R.B.Hutchcraft,Jr.	John A. Polin
C. W. Burton	T. R. Jones	W. A. Price
Geo. T. Davis	William J. Kuh	J. D. Pumphrey
John Drescher	C. R. Luker	Richard Radcliffe
John C. Duffy	John McDyer	L. M. Smith
William Duffy	W. T. McNally	Adam Spahn
Odie Duncan	Harry J. Meyers	N. C. Tilford
Vert C. Fraser	Zach. L. Myers	M. S. Walton, Jr.
John F. Fryer	John E. Newman	Roy S. Wilson

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Those voting in the negative were—

Harry Avery	Elwood Hamilton	C. B. Nichols
Wallace Bailey	W. L. Hampton	A. W. Palmer
Henry C. Blades	V. D. Hammond	Lyman J. Parrigin
Joseph Boitnott	J. B. Harvey	Dr. T. J. Poteet
Glover H. Cary	H. H. Hays	Dr. W. R. Ray
Ed. F. Cecil	D. H. Hillman	Stanley F. Reed
J. G. Coke, Jr.	J. M. Johnson	S. H. Rogers
Benj. L. Cox	John A. Judy	W. E. Rogers
James R. Dorman	Griffin Kelly	B. T. Rountree
John W. Douglas	John H. Klette	S. M. Saufley
H. C. Duffy	J. C. Lay	Ed. D. Stone
G. P. Durrett	Simon B. Lott	W. T. Stott
Thomas J. Evans	Dr.J.N.M'Cormack	James T. Webb
M. J. Farris, Jr.	Geo. M. McDowell	John F. White
W. N. Flippin	John G. Miller, Jr.	J. D. Wills
C. M. Gum	T. T. Mobley	M. O. Wilson
E. V. Hall	J. R. Mount	—50

A message was received from the Senate announcing that they had concurred in a resolution of the following title, which originated in the House, viz.:

H. Res. 25. Resolution for the benefit of Mrs. Ida Turley and A. P. Bryson and appropriating money for their benefit.

(For said resolution see House Journal of March 14th.)

And that they had adopted a resolution originating in that body of the following title:

S. Res. 29. Resolution to pay ministers for their services in opening Senate and House of Representatives with prayer.

Whereas, the ministers of the city of Frankfort have been very kind, prompt and efficient in complying with the request of the General Assembly in opening each day's session of the Senate and House of Representatives with prayer; therefore,

Be it resolved by the Senate, the House of Representatives concurring, That each of the ministers having opened the session with prayer, eight in number, be allowed fifty dollars each to be paid out of any money in the Treasury not otherwise appropriated, and the Chief Clerk of the Senate and the Chief Clerk of the House will draw vouchers on the Auditor for the payment of the ministers who served in their respective Houses.

Ordered that said resolution lie on the Clerk's desk.

A message was received from the Senate announcing that they had concurred in House amendments to S. B. 77.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 39. An Act defining public roads, providing for their establishment, regulation, use and maintenance, and creating the office of County Road Engineer and prescribing the duties thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All public roads heretofore established by the several County Courts, which have been vacated according to law, are hereby declared to be public roads, without regard to any informality in the order of the County Court by which they were established. A public road shall be deemed to in-

clude necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, and all bridges having a span of five feet or less.

§ 2. No bridge unless it be exclusively for footmen, shall be less than twelve feet wide. All public roads which are now established in any of the counties of this State as public roads, shall remain of the width they are now, unless the County Court shall make a special order for a different width, which must be a matter of record in the office of the County Clerk. Before making said order a petition must be filed by the County Road Engineer or by two land owners, but in all other respects the procedure shall be the same as in application for opening or discontinuing a road. All public roads which may hereafter be established in any of the counties of this State as public roads shall occupy a right of way not less than thirty feet wide, but the County Court may order it to be a greater width.

§ 3. The grade of any road to be hereafter established shall not exceed five feet rise per hundred feet unless especially authorized by the County Court, upon the recommendation of the County Road Engineer.

§ 4. The term "County Court" in this Chapter shall be construed and held to apply to that tribunal presided over by a County Judge.

§ 5. The term "Fiscal Court," where so used in this Chapter, shall mean the court having charge of the fiscal affairs of the county whether composed of the County Judge and the Justices of the Peace or of the County Judge and Commissioners.

§ 6. The road precincts as now established in the several counties of this State shall remain until changed by the County Court.

§ 7. No road precinct shall include any part of any incorporated city, town or village, which by the provisions of its charter keeps its own roads, streets and alleys in order.

§ 8. Nothing contained in this Chapter shall be con-

strued to take from the jurisdiction, charge or control of the Council, trustees or any authority of any incorporated city, town or village, so much of any road, bridge, landing or wharf, or any other thing as by the laws now in force is exclusively under such jurisdiction, charge or control.

§ 9. Every public road, bridge, or landing, and every street, or alley in any incorporated city, town or village, heretofore established and opened pursuant to law and which has not been lawfully discontinued or vacated shall continue as such, until properly discontinued, and every road, street, or alley, used and occupied as a public road, street or alley, shall in all courts and places be taken and deemed to be a public road, street or alley (as the case may be), whenever the establishment thereof as such may come in question.

§ 10. The roads, bridges and landings transferred by the State to the several counties in which they are located shall hereafter be regarded as public roads, bridges and landings.

§ 11. Nothing in this Chapter shall be construed to prevent any County Court from acquiring by gift any land for public purposes, as provided in this Chapter, but the title to all rights of way, whether acquired by gift or condemnation, and all discontinuations of public roads, including all maps, plats and surveys of same, shall be deported by the County Road Engineer to the County Clerk and made a matter of record in the County Clerk's office.

§ 12. No public road shall be established or discontinued, or the location thereof changed without due notice thereof having been given according to the provisions of this Chapter.

§ 13. With the consent of the owner or owners of the land in which a change of location is proposed to be made, given in writing, setting forth the exact changes proposed, which must be entered in the form of an agreed order of the County Court and subject to the approval of the County Judge, the County Road Engineer may change any public

road in his county: Provided, such change does not materially increase the length or grade or require more work to keep the road in repair, or place the same on worse ground than it was before such change, or render the said road in any respects worse than it was before the change. Any county road engineer who shall make such change otherwise than prescribed in this Chapter shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars; and in case the county road engineer shall make such change in violation of the provisions of this Section, the part of the road thus altered shall not be established as a public road, and the former location shall be continued as such.

§ 14. The County Court of the county may, upon petition, direct any public road, bridge, or landing other than a turnpike bridge, or landing in which private citizens may hold a majority of the stock, to be discontinued, but notice of every such petition must be published according to the provisions of Section 18 of this Chapter, and in addition notices must be placed at three public places in the vicinity of said road, bridge, or landing. Upon such petition after the posting of notices as aforesaid, the County Court shall appoint two viewers who, together with the County Road Engineer, shall view such road or landing and report in writing at the hearing, whether in their opinion what inconveniences, if any, would result from discontinuing same. Upon such report anl other evidences, if any, the court may discontinue the road, bridge, or landing, taking care in every case, if an established post road, not to discontinue the same until another has been established.

§ 15. When any person desires the establishment or alteration of a public road, bridge or landing, in any county, or a public road leading from the main road, or roads, he shall petition the County Court of the county in which such road, bridge or landing is situated, setting forth in his petition specifically the nature and location of the proposed work,

and the court shall thereupon appoint two viewers, who together with the County Road Engineer, shall view the ground and report in writing the advantages and disadvantages, which in their opinion, will result as well to individual as to the public from the proposed work and the grades and bearings of the proposed road, and the facts and circumstances that may be useful to enable the County Court to determine whether such work ought to be undertaken by the county; or, if the petition be for the establishment or alteration of a public road leading from a main public road or roads, whether such roads should be established, stating specifically whether it would be necessary to take any burying ground, garden, yard, orchard, or any part thereof, or to injure or destroy any buildings and the probable cost of the work, the names of the land owners whose property would have to be taken or injured, which of them would require compensation and the probable amount to which each would be entitled. They should make careful examination of other routes or locations than that proposed or petitioned for, keeping in view at all times the possible future development of the county and the accommodations of the general traveling public, and shall report in favor of the one they prefer, with the reasons for the preference. A map giving the grades and bearings of the routes or locations shall be returned with the report.

In any case where it shall appear to the County Court that the interests of the general public may be furthered thereby, the County Court shall personally examine the proposed work. If the court decides to undertake the proposed work the County Judge shall appoint a day for hearing the parties interested, and cause notice thereof to be given to the proprietors and tenants of the property which would have to be taken or injured, to show cause against the same. Process shall be issued by the Clerk of the County Court against all interested parties and he shall issue a warning order, upon proper affidavit against any non-resident and make such

orders against persons under disability as provided in the Civil Code of Practice.

If the court at any time has sufficient evidence before it to enable it to ascertain what would be a just compensation to the proprietors and tenants, and if such proprietors and tenants are willing to accept what the court deems just, the said court, upon such acceptance being reduced to writing and signed by the proprietors and tenants, may determine to undertake the work, subject to the consent and approval of the Fiscal Court.

§ 16. Upon hearing the parties interested in an application for a public road, bridge or landing, said County Court shall decide for or against undertaking the proposed work on behalf of the county. If the court decides in favor of the establishing, alteration or discontinuance of the same and the compensation to be paid to any proprietor or tenant cannot be fixed by agreement, the court shall appoint three impartial housekeepers of the county as commissioners to assess damages the owner or tenant may be entitled to receive, who shall be sworn to faithfully and impartially discharge their duties according to law; Provided that either the county or any tenant or proprietor may file exceptions to the report of said commissioners. When exceptions shall be filed by either party, the court shall, unless the parties agree that the court may try the issues raised by such exceptions, forthwith cause a jury to be empaneled to try such issues and to assess compensation and damages to which tenants and proprietors may be entitled; and, provided, that in case of roadbeds, or bridges, or a portion of same, washing or slipping away, or in case of extreme emergency, and when in his judgment conditions warrant it, the County Court may immediately open and have surveyed a road or passway to be temporarily used while the commissioners are acting, or while the matter is pending in the court to establish a permanent road or passway, and said commissioners shall assess the damages of said temporary road or use of same. The

same proceedings shall be had to recover same as in said recovery in regard to other roads. But when such compensation shall be so ascertained it shall be at the option of the County Court to pay the same or abandon the proposed undertaking. If it decides to pay the same, the Fiscal Court of the county shall include in its next levy an amount sufficient therefor. In any case where the petition is for the establishment or alteration of a public road leading from the main public road, or roads, the court may refuse to undertake the proposed work or abandon the same after having undertaken it, unless the petitioner, or some one for him, shall deposit with said County Court a sufficient sum to pay all damage and cost sustained by reason of the establishment or alteration of such road. In such case, if it deem proper to do so, the court may establish any such public road upon condition that the petitioner shall pay all costs and damages as aforesaid, and make and keep in repair such road, and the court may also impose upon such petitioner, his heirs and assigns, and upon the public, such other conditions in reference to such road as the court may deem just. In case of a landing, not more than two acres shall be condemned therefor.

§ 17. All bids for work to be let to contract made under the provisions of this Chapter, whether for construction or maintenance, shall be received at the time and place specified in the advertisement and shall be opened publicly at the time of letting and the amount of items comprising each bid shall be publicly announced and the contract, if let, shall be to the lowest responsible bidder, who shall furnish satisfactory security in an amount equal to the amount of the contract in question to be approved by the County Judge of the county. The Fiscal Court may as protection to the county, reserve from payment twenty per cent of the amount accruing on said contract until the completion of said work and the same is approved by the County Road Engineer. The Fiscal Court may reject any and all bids, and, if thought advisable, may re-advertise for and receive bids.

§ 18. All notices and advertisements for the establishment, alteration or discontinuance of any road, bridge or landing, and all notices or advertisements for sale of public road or bridges to be let to contract under the provisions of this Chapter, whether for construction or maintenance, shall, unless otherwise provided by law, be published for at least two consecutive weeks next preceding the date for receiving bids for building or repairing public roads or bridges, or before the hearing of a petition for the establishment, alteration, or discontinuance of a road, bridge or landing, at least once in each week in a newspaper of general circulation, or if there be no newspaper published in the county, then by hand bills posted for fifteen days, one at the court house door and one in five or more other public places in the vicinity of the road or roads affected. It shall be the duty of the County Road Engineer to do the advertising herein mentioned, and he must file with the county clerk an affidavit showing the manner in which this Section of the law has been observed. Upon failure to comply with this Section, the County Road Engineer shall be guilty of a misdemeanor and upon conviction by any court of competent jurisdiction shall be fined not less than ten dollars nor more than one hundred dollars for each offense. If satisfactory bids cannot be obtained the Fiscal Court may have necessary work done as it deems best.

§ 19. When it is necessary to build or repair a bridge and said building and repair will cost more than five hundred dollars, the County Road Engineer shall notify the State Commissioner of Public Roads that such work shall be done. The State Commissioner of Public Roads shall then furnish to the said County Road Engineer plans, specifications and estimates of cost, which he shall submit to the Fiscal Court. The County Road Engineer shall keep in his records the plans, specifications and estimates of cost furnished by the State Commissioner of Public Roads; and also the plans, specifications and estimates of cost and the actual cost of the repair or construction work which is actually done. It shall

not be obligatory on the part of the Fiscal Court to accept the plans, specifications and estimates furnished by the State Commissioner of Public Roads. This same plan shall be followed in making the purchase of all county road machinery, when the amount of said purchase is five hundred dollars or more. When a new metal road is to be built, or an old dirt road converted into a metal road, the County Road Engineer of the county in which such improvement is to be made shall notify the State Commissioner of Public Roads, who shall send an assistant engineer to assist in laying out said road, and in drawing plans and specifications and in making up estimates of cost for said road. This shall be done at the expense of the State. The Fiscal Court shall not be compelled to accept the plans and specifications of the engineer furnished by the State Commissioner of Public Roads, but a record of same shall be kept. After award of contract, estimates as furnished by the State Commissioner of Public Roads and the contract price shall be published as advertisements provided for in Section 18.

§ 20. The Fiscal Court of any county may contract and pay for making. improving and keeping in order, the whole or any part of the county roads within the county by the use of asphaltum, brick, stone block, macadamizing, gravel, or other process of equal merit, and may contract therefor in manner as provided in Sections 17 and 18 of this Act. They may pay for the work done under such contract in whole or in part out of the county treasury by special levy to be laid, or by issuing bonds or other evidence of debt for same, as is provided for in this Chapter.

§ 21. The Fiscal Court shall have the power and authority to issue and sell bonds from time to time within the constitutional limitations for the purpose of building, constructing and reconstructing public roads and bridges, said bonds to bear interest not to exceed five per cent per annum, with coupons attached, payable semi-annually, these bonds to be in denominations of not less than one hundred dollars or

more than one thousand dollars, to run not less than five nor more than thirty years, and to be redeemed within that time at the pleasure of the court, and to be sold at not less than par value and accrued interest. Before the bonds authorized under this Act shall be issued, the County Court of the county, upon the petition of one hundred and fifty legal voters who are freeholders of the county, shall at the regular terms thereof, after receiving said petition, making an order on his order book directing an election to be held in said county on some day named in said petition not earlier than sixty days after said application is lodged with the judge of said court, which order shall direct the sheriff of the county to advertise said election and the objects therefor for at least thirty days next before the day thereof in some newspaper having the largest circulation in the county and also by printed hand bills posted up at not less than four public places in each voting precinct in the county and at the court house door. All legal voters of said county shall be privileged to vote at said election. The same officers that hold the regular election shall hold this election. The question, "Are you in favor of issuing ..... in bonds for the purpose of building roads and bridges?" shall be printed on the ballot as provided for in the general election law, Section 1459 Statutes: Provided, however, that all the money raised by the sale of bonds shall be used solely and alone for the building, construction, or reconstruction of roads of asphaltum, concrete, brick, stone block, macadam, gravel or other processes of equal merit.

§ 22. If bonds are sold to enable the Fiscal Court to build, construct roads and bridges, the Fiscal Court shall levy a tax, an amount not exceeding thirty cents on the one hundred dollars of the assessed valuation of said county, which shall be collected as other county taxation, and appropriated as follows: (first), to the payment of the interest on the bonds; (second), the balance to be placed to the credit of a sinking fund for the redemption of said bonds; Provided,

that any accumulation in the sinking fund may be loaned by the said Fiscal Court on first mortgage real estate security, on the basis of fifty per cent of its value, at interest at the legal rate, which shall accrue to the sinking fund, but before such loan shall be made all titles shall be looked up and papers approved by the County Attorney.

§ 23. When it becomes necessary to build or repair any bridge across any stream on the line between two counties, or to construct or improve, or to keep in repair any road or roads between two counties, or along the boundary line thereof, the Fiscal Courts of such counties may enter into such agreement therefor as to them shall seem best, but if they disagree in relation thereto, it shall be the duty of the Fiscal Court of each county to appoint two special commissioners who, together with the county road engineer of each county and the State Commissioner of Public Roads, or one of his representatives or assistants, shall meet and arrange the matter. The Fiscal Court of each county interested shall notify the State Commissioner of Public Roads of the action taken and request his assistance in the matter and the decision reached by the committee thus appointed, acting jointly with the Commissioner of Public Roads, shall be binding. If the Fiscal Court of any county, upon being requested to do so, shall fail to appoint commissioners, or if either court shall fail in any respect to fulfill its part of the agreement with respect to work, the remedy by mandamus shall lie before the Circuit Court of the county whose Fiscal Court is complained of on behalf of the Fiscal Court of the other county, and the Circuit Court shall compel the Fiscal Court complained of to do what ought to be done in the matter.

§ 24. If the Fiscal Court shall determine to make the improvements, the County Road Engineer of each county shall request the State Commissioner of Public Roads to furnish plans, specifications and estimates of cost, in accordance with Section 19, and shall advertise for bids, as provided in Section 18 of this Chapter, in each of the counties,

and the contract shall be awarded to the lowest responsible bidder, who shall furnish satisfactory security to be approved by the County Judge of each county. The Fiscal Courts, voting separately shall approve of the plans and specifications and shall jointly award the contract.

§ 25. The contract for said work shall specify such share or portion of the costs thereof to be borne and paid by each Fiscal Court, and each county shall be severally liable for such share proportion. The cost of said work is to be borne as proportions to the total assessed value of each county. After the completion of the work, the improvement so made shall be maintained by the Fiscal Court or other authorities of the counties or other political divisions joining in the improvements, who shall bear and pay the same share and costs that they severally bore toward the cost of the original improvements.

§ 26. Whenever any road or section of road located in any magisterial district in this State has been or shall hereafter be improved, of asphalt, concrete, brick, stone block, macadam, gravel, or other materials of equal merit, so that the same, of whatever materials constructed, shall, with reasonable repairs thereto, be firm, smooth and convenient for travel at all seasons of the year, such public road, or section of road, upon the petition in writing of twenty-five legal voters of the magisterial district wherein such public road or section of road so improved lies, addressed to and filed with the County Court of the county within which the district is situated, accompanied by a map or survey of the public road or section of road so improved, and a copy of the specifications under which such improvements were made, together with proofs showing payment to the contractors for all work done, may be by said County Court, by order, declared to be a county road, if in the judgment of said County Court said road is of sufficient public importance, and such road or section of road shall, upon acceptance, forever thereafter be a county road and subject to the exclusive jurisdic-

tion of said Fiscal Court in the same manner as other county roads, and the duty of keeping the same in repair shall devolve exclusively upon the Fiscal Court. More than one public road or section of road in the same district may be included in one petition.

§ 27. When any joint stock company incorporated in this State shall have been formed to construct a turnpike, road or bridge, wholly or in part in any county, the Fiscal Court of such county may subscribe for, take, hold and dispose of stock in such company under the regulations and subject to the restrictions prescribed by law, such subscriptions not to exceed $1,000 for each mile of turnpike and thirty per cent of the cost of such bridge.

§ 28. A collector of tolls on any turnpike authorized by law to receive tolls shall not allow any person, animal or vehicle to pass on such road until the lawful toll be paid. If any person or animal or vehicle pass a toll gate on such roads, or other proper place for payment, without paying or tendering the toll, or if any person misrepresents the distance he may have traveled on such road, such person in possession of such animal or vehicle shall be fined not exceeding five dollars, and the like penalty shall be incurred when any person, animal or vehicle subject to toll is passed through any private gate, barn or fence for the purpose of evading the payment to toll. Whosoever shall defraud or attempt to defraud the company by evading or attempting to evade the payment of toll for crossing a bridge, or aid another to do so, shall, for every such offense, upon conviction, be fined $10.00. Whoever shall obstruct, or cause to be obstructed, any walk or driveway to or upon a bridge, or shall loiter upon or about the entrance upon the same, or in anywise interfere with the gate keeper or passengers upon a bridge, shall, upon conviction be fined $10.00. A gate keeper on any toll brilge shall keep such money of small denominations on hand, as may be reasonably required in the ordinary course of the business, for making change for passengers, and it is the duty of passengers to

offer money for passage of a denomination as nearly as possible to the amount charged for such passage. This Section shall not apply to persons having a lawful right to pass on such roads without the payment of toll.

§ 29. If any person without authority from the superintendent of said road, or person acting as agent thereof, shall remove, injure or deface any of the milestones or posts, parapets, walks, culverts, bridges, masonry of any kind, gates or toll houses belonging to said road authorized by law to receive tolls, or shall turn any stream of water from its regular course toward or upon such road as to injure the same, or shall obstruct any of the gutters, drains, or culverts of such road, or shall connect any public or private road with such road without securing such road from injury by reason of such connection, or by the flow of water at the place of connection, or shall place or leave on such road any earth, ashes, stone or other obstructions to the use and travel of such road, or shall so place or leave thereon any vehicle as to interfere with such travel, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than $10.00 nor more than $50.00.

§ 30. On all turnpikes now owned, or that may hereafter be owned, wholly or in part by individuals or corporations in this State; tolls not exceeding the following rates may be received in every section of five miles which has been completed, to-wit: For a single horse, mare, gelding, mule or jennet, in addition, one cent, if the same be not hitched to any vehicles; for twenty sheep or hogs, five cents; and for twenty cattle, ten cents, and so on in proportion for a greater or less number; for a riding carriage, whether two or four wheeled, if the road be macadamized road or brick road or some other hard surfaced road, ten cents; but if not macadamized or not a brick or other hard surfaced road, five cents; and for a cart or wagon, if the tires of the wheels are less than four inches wide, three cents for each animal drawing it; for automobiles, fifteen cents. For a fractional part

of a section, tolls may be received bearing the same proportion to the tolls for a full section that the said fractional part bears to such full section. Provided, that when the toll from the fractional part would be less than one cent they may charge and receive one cent. Provided, further, that all coaches, carriages, vehicles and horses used by persons going to and from divine worship, funerals, schools and grist mills for the purpose of having grinding done, shall be exempt from tolls.

§ 31. The said tolls may be demanded and collected of every person passing the toll gate, whether he shall have traveled the whole or only a part of the section or fractional part. Provided, that the said toll road or turnpike shall be made so as to conform to the following specifications: All roads or turnpikes shall have a smooth roadbed of not less than ten feet in width, exclusive of ditches, and shall be well side ditched and drained. All cross-drains shall be underdrained or riprapped when necessary. All running streams requiring bridges of fifty feet in length or less, and such others as the Fiscal Court of the county may direct, shall have a bridge or culvert across same sufficiently strong and sufficiently wide to insure safe passage to all kinds of vehicles; Provided, further, that no toll shall be collected unless such toll road or turnpike be constructed in accordance with this section.

§ 32. That whenever the collection of tolls for traveling over or upon any toll road or turnpike has been abandoned by any county, person, company or corporation, or is prevented by law or by final order of any court having competent jurisdiction, or whenever any of the main public roads are improved under the provisions of Section 20 of this chapter, it shall be the duty of the Fiscal Court of the county wherein such road or turnpike, or any part thereof, is located, to keep the same in good repair, and shall pay for the work and all expenses incident thereto, out of the county treasury after obtaining permission from the Fiscal Court.

Any person or persons who may desire to do so may build a sidewalk, composed of gravel, concrete or other suitable material, along the side of any public road in this State; Provided, that the sidewalk does not exceed thirty-six inches in width and that the construction and repairing of the same and the use thereof, shall be without expense of any kind to the public or to any person who may want to use the same; and, provided, further, that all persons who may desire, be permitted to use the same, and that said sidewalk does not in any way interfere with the traveling public on any public road, or the passing on or over by the traveling public to or from their places of business; Provided, further, that if it is desired to build any such walk in a city or corporate town, the consent of the council of such city or town shall be obtained before such walk is built. Any person or persons who shall in any manner destroy, take up, or in any way injure, any sidewalk already constructed or that may hereafter be constructed according to the provisions of the foregoing section, and shall fail to replace the same, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than four or more than fifty dollars.

§ 33. The County Court of a county may, upon petition, permit gates to be erected across any county road therein, or cause any gate erected across any county road to be removed, but notice of every petition for that purpose shall be first advertised according to the provisions of Section 18 of this chapter and notices shall be posted at three places in the vicinity of the gate proposed to be erected, or removed, at least three weeks before the meeting at which such order is made.

§ 34. If a Fiscal or County Court wilfully fail or refuse to perform any duty required of such court by the provisions of this chapter, every member of such court concurring in such failure or refusal shall be guilty of a misdemeanor and upon indictment and conviction thereof before the Circuit Court of the county shall be fined not less than

ten nor more than one hundred dollars at the discretion of the court.

§ 35. It shall be the duty of the Clerk of the County Court to keep on convenient file or in books prepared for such purposes, a complete record of all titles to rights of way, all maps, plats and surveys and all discontinued sections of public roads within the county, which are now, or may hereafter be reported to the county.

§ 36. The owner or occupier of every dam shall, as far as the road passes over same, keep such dam in good order, at least fourteen feet wide at the top; and also keep in good order a bridge of like width over the pier head, flood gates or any waste cut through or around the dam and to erect and keep in good order a strong railing on both sides of such bridges or dam. If he fails to comply with this section he shall pay a fine for every twenty-four hours' failure of two dollars; and where a mill dam is carried away or destroyed the owner or occupier thereof shall not be henceforth subject to such fine until one month after the mill shall have been put in operation. And every owner of a dam hereafter built, which dam by the backing of the water or otherwise obstructs any public road, or any race or ditch connected therewith, shall materially obstruct any such road, shall whenever it may be necessary for the safe and convenient crossing of the same, or the pond created thereby, build and keep in repair over and across the said dam, pond, race or ditch, a bridge of like kind and description as hereinbefore specified, and for the failure to do so every owner or occupier shall be fined as hereinbefore provided.

§ 37. Any person owning land upon a water course may erect a wharf on the same, or a pier or bulkhead in such watercourse opposite his land, so that the navigation be not obstructed thereby, and so that such wharf, pier or bulkhead shall not otherwise injure the private rights of any person. But the County Court of the county in which such wharf, pier or bulkhead shall be, after causing ten days' notice to be

given to the owner thereof, of its intention to consider the subject, if it be satisfied that such wharf, pier or bulkhead obstructs the navigation of the watercourse or so encroaches on any public landing as to prevent the free use thereof, may abate the same.

§ 38. Any person desiring the privilege of erecting a wharf at or on any public road may present a petition to the court of such county for such privilege; but notice of the petition, or of his intention to present the same, must be posted at the front door of the courthouse, and at three public places in the district in which it is proposed to erect such wharf, three weeks at least before the petition is acted upon. The said court, upon petition and notice, may grant such privilege, upon such conditions and limitations and fix such rates and charges for wharfage as it sees fit. But it may at any time afterward upon ten days' notice to the owner of such wharf or his tenants, revoke his privilege or alter such conditions or limitations or regulate the rate of charges.

§ 39. There is hereby created in the several counties of the State of Kentucky the office of County Road Engineer. The County Judge of each of the counties of this State by and with the consent of the Fiscal Court may within thirty days after this law becomes operative, on or before the first day of October, nineteen hundred and fourteen, and every two years thereafter, appoint a County Road Engineer, who shall be either a reputable civil engineer or a man who has had practical experience as a road supervisor or builder for two years and who shall have passed a creditable examination by the State Commissioner of Public Roads or one of his representatives.

Nothing in this section shall prevent the present county road engineers from serving the term for which they were elected or appointed. Such County Road Engineer, except the first, as appointed shall serve for a period of two years from and after the said first day of October, and until his successor is appointed and qualified. The term of the first

one appointed, regardless of when the appointment was made, shall expire October 1, 1914. Vacancies in the office of County Road Engineer shall be filled by appointment for the unexpired term by the County Judge of the county, by and with the consent and approval of the Fiscal Court. The County Road Engineer shall receive as a salary not less than $600 per annum, to be fixed by the Fiscal Court, which shall be paid as provided in case of other county officials. The county surveyor of the county elected at the last preceding general election may receive such appointment; provided he be competent as provided by this chapter, and for such service he shall receive the compensation fixed by the Fiscal Court as provided in this section in lieu of all fees except such fees as are allowed by the law for his services as county surveyor. It shall be the duty of the county clerk to give written notice to the appointees provided in this chapter, of their appointment as soon thereafter as practicable, and each person appointed shall, within ten days after having been notified of such appointment, qualify by giving such bond as the county court may direct for the faithful performance of his duties and shall also take oath to well and truly perform the duties thereof. The County Road Engineer shall have an office, with proper furniture and equipment, at the county seat of the county. In all counties of the State levying a road tax amounting to over $50,000, the Fiscal Court shall furnish the County Road Engineer with transportation in performing duties connected with the superintending, construction, repair and maintenance of the road in the county. To this end the Fiscal Court may purchase or rent teams or automobiles which may be used by the County Judge or committees of the Fiscal Court or Board of Cimmissioners for inspection of the roads and to determine recommendations on needed work and repairs; Provided, that in counties where the Fiscal Court does not provide for a County Road Engineer, the services in this act directed to be performed by the County Road Engineer, except as otherwise

herein provided, shall be performed by the County Surveyor, or by some other person designated by the County Court, and for such service shall receive the same compensation allowed by law to Commissioners for dividing land.

§ 40. The County Road Engineer may be removed at any time by the county judge of the county upon his own volition, for incompetency, malfeasance or misfeasance in office upon written charges after a hearing of which ten days' notice shall be given by serving a copy of such charges upon such County Road Engineer. Such hearing shall be heard at the court house, in the county seat. If upon such hearing it appears that such charges are sustained the county judge of the county shall remove such County Road Engineer and forthwith serve notice thereof by mail on the County Road Engineer. Such notice shall state specifically the grounds for such removal. The record of the proceedings upon such hearing shall be filed in the office of the county clerk. The county judge of the county, by and with the consent and approval of the Fiscal Court thereof, shall within ten days after such removal appoint a County Road Engineer to fill the vacancy caused by such removal. The person so appointed shall hold office for the unexpired term or until a judgment or a final order of a court of competent jurisdiction determining that the original County Road Engineer was wrongfully and illegally removed, and directing his reinstatement, be rendered.

§ 41. If any County Road Engineer neglects or refuses to perform the duties of his office, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars, and shall be subject to the same penalty if he refuses or neglects to cause contractors to perform their duties as provided in this chapter.

§ 42. The County Road Engineer appointed as provided in Section 39 of this chapter, shall have general charge of all public roads and bridges within his county, excepting turnpikes or bridges owned by or maintained and operated

wholly by some citizen or company, and as otherwise expressly provided in relation to incorporated cities, towns and villages or other localities, and shall see that same are improved, repaired and maintained as provided by law; shall have the general supervision of the work of construction, repairing and improving public roads and bridges in his county; superintend the construction and improvement made upon the roads and bridges under the provisions of this chapter, and other work of like nature undertaken by the Fiscal Court of the county; shall make reports from time to time as the County or Fiscal Court may direct; advise and direct those employed by the various contractors how best to repair, maintain and improve such roads and bridges; examine the various formations and deposits of gavel and stone in his county for the purpose of ascertaining the materials which are most available and best suited for the improvement of public roads therein; when requested by the State Commissioner of Public Roads, shall submit samples of such materials and deposits and make a written report in respect thereto; and shall establish, or cause to be established, such grades and recommend such means of drainage, repair and improvement as seems to him necessary; and together with the Fiscal Court shall consider plans, specifications and estimates submitted for the erection or repair of bridges and the construction or maintenance of public roads and approve or reject same. The County Road Engineer shall hold a road meeting in each magisterial district each year between the twentieth day of February and the thirtieth day of March for the discussion of road topics and for furthering the improvement of the roads of the county, and whenever a general meeting is called in the interest of good roads for the county or district, by the State Commissioner of Public Roads, the County Road Engineer shall cause due notice thereof, together with the meetings to be held by him, to be given through the public press, as provided in this chapter for roads to be let to contract. The

County Road Engineer shall also inspect, or cause to be inspected, each public road or bridge during its construction or improvement, and certify to the Fiscal Court the progress of the work and whether or not the same is being done according to the contract, plans and specifications prepared therefor, and if he shall find that such work is not being done in accordance with such contract, plans and specifications, he shall have authority to stop any further work thereunder until the Fiscal Court shall have inspected and passed upon the same. The County Road Engineer shall perform such other duties as may be prescribed by law.

§ 43. The Fiscal Court or County Judge shall employ such agent or agents in the different road precincts of the county as may be necessary to carry out the provisions of this chapter, and may summarily discharge such employees at pleasure; such employees shall perform service upon the public roads of the county in whatever station employed, according to the direction and in manner prescribed by the Fiscal Court or County Judge. Such employees may receive such compensation per day as may be allowed by the Fiscal Court. Provided, that every able-bodied man employed to do manual or day labor under the provisions of this chapter on the public roads shall receive the prevailing wages of the vicinity in which the work is to be done, which shall not be less than one dollar nor more than two dollars per day, according to services rendered, except in the case of necessary skilled labor, foremen, and assistant engineers, who shall receive not more than five dollars per day.

§ 44. It shall be the duty of the County Road Engineer within thirty days after the first day of January next after his appointment if ordered by the Fiscal Court, and every year thereafter, to lay out and divide, or cause to be laid out and divided, all the county roads in the county into sections not exceeding two miles in length, which he shall number and describe in a book kept by him for that purpose. He shall distinctly specify therein what he shall deem necessary for

the improvement and keeping in repair each section of said county road for the period of one year, and may also recommend the establishment and construction of such roads as he may think for the benefit of the general public, each section of which shall be advertised to be let to contract in accordance with the provisions of this chapter. Should no suitable bid be received such sections or new roads may be let to private contract or may be kept in repair or such new roads opened as provided in this chapter, or in any other manner the Fiscal Court may direct. To this end there may be employed or purchased by the Fiscal Court all necessary hands, horses and materials for the proper performance of such work. Each section so let to contract shall be put in good repair on or before November 1 of each year and shall be kept in good repair until the expiration of the contract.

§ 45. It shall be unlawful for any County Road Engineer to appoint or employ under the provisions of this section, as a laborer on the public roads, his father, son, son-in-law, grandson, brother, brother-in-law, nephew or first cousin by blood. Each County Road Engineer shall report to the Fiscal and County Court at each regular term thereof and at such other times as the court may require a full itemized statement of the expenditures made by him since his last report, giving number and names of hands and number of horses employed by him, the time each was employed, the amount paid to and for each, and to such other matter as he may deem necessary or the court may require. Such statements of accounts shall first have been prepared according to the public accounting laws of the State, and have been certified to by the agent or agents of the County Road Engineer having charge of the work.

§ 46. If any citizen of a road precinct complain to the County Road Engineer thereof, that any contractor or contractors therein have neglected or refused to keep his or their sction or sections of road in repair in accordance with the specifications, it shall be the duty of said County Road Engi-

neer to cause examinations to be made within five days after such complaint shall have been made and if, upon such examination he deems the complaint well founded he shall give notice thereof in writing to the party so complained of, and he shall accompany said notice with request that the party so complained of shall, in a reasonable time thereafter, put his or their section or sections in repair in accordance with the specifications; and if the said contractor or contractors shall neglect or refuse to repair the same, it shall be the duty of said County Road Engineer to cause the same to be put in repair, and the cost of such repair be deducted from any money or moneys allowed the contractor or contractors for opening and keeping in repair such section or sections, and the Fiscal Court shall issue a warrant on the sheriff or treasurer for such amount of money certified, and in favor of such person or persons as shall have been employed to put such section or sections in repair. And if the amount under the control of the court as aforesaid is not sufficient to pay for the repairs so caused to be made by the County Road Engineer, then the additional cost thereof shall be recoverable from the contract or contractors by said County Road Engineer as other claims of equal amount are now recoverable by law.

§ 47. All claims of any contractor, contractors or others which may, under the provisions of this chapter, be due to such contractor, contractors or other persons, shall, when certified to by the County Road Engineer, be presented to the County Court, and if it be found correct, shall, upon the order or warrant of said court, signed by the judge thereof, be paid by the treasurer or sheriff. Provided, further, that it shall be the duty of the County Road Engineer to furnish the Fiscal Court, at its October session each year, with a certified statement showing an itemized account with the vouchers for all expenditures made during the year. Provided, that no County Road Engineer shall certify the claims of any such contractor or contractors until upon ex-

amination he shall find that the provisions of the contract have been strictly complied with.

§ 48. It shall be the duty of the County Road Engineer to inspect, or cause to be inspected, every six months, and at such other times as the Fiscal Court may require, the public roads and bridges within the county. He shall cause loose stones lying in the beaten track along the public roads to be removed at least one time in each year, between the first day of April and the first day of June. The stones so removed shall be carried to some place from which they will not work back or be brought back into the track by road machines or other implements used in repairing the roads. He shall cause noxious weeds growing by the bounds of public roads to be cut down in the month of August. He shall cause such roads as shall have been laid out but not sufficiently described, and such as shall have been used for public roads for a term of ten years, but not recorded, to be ascertained, described and entered on record in the County Clerk's office of the county. He shall cause to be opened and made all new county roads and alterations of former roads, ordered by proper authority; and shall cause to be made and placed at the forks or crossings of every county road when ordered by the Fiscal Court, a guide board on which shall be stated in plain letters the most noted places to which each road leads and the number of miles thereto. Across every stream where it is necessary and practicable, he shall, when directed by the Fiscal Court, cause to be placed and kept a sufficient bridge, bench, or log for the accommodation of foot passengers. When a public road is suddenly obstructed by the falling of rock or timber, landslides, or other cause, or a public bridge is from any cause rendered unsafe, if the same is under contract for continuous maintenance as provided in this chapter he shall immediately give notice thereof to the contractor or contractors on whose section of road the obstruction may be, whose duty it shall be within twenty-four hours or as soon as practicable thereafter, to remove such

obstruction, and in case no effort has been made by the contractor or contractors within said twenty-four hours to remove said obstruction, he shall immediately employ such person, machinery and teams as may be necessary, and without avoidable delay, cause the obstruction to be removed from the public road, or the bridge to be made safe, and the cost thereof shall be recoverable from the contractor or contractors aforesaid, as provided in Section 46 of this chapter. But if the said section of obstructed road be not under his contract, the said County Road Engineer shall immediately remove the obstructions in like manner, and the cost thereof shall be a charge made payable by the county court out of the county road fund.

§ 49. The Fiscal Court may purchase for the use of the county, stone crushers, road rollers, traction engines, road machines for grinding and scraping tools and other instruments, which shall be paid for from moneys levied and collected and belonging to the county road funds, or from the proceeds of bonds issued and sold for such purposes as provided by law. The County Road Engineer shall advertise for bids as hereinafter provided. No contract for the purchase of stone crushers, road rollers or traction engines shall be valid unless the Fiscal Court shall have approved the same and endorsed its approval on such contracts by the signature of the County Judge and the Clerk thereof. All road machinery shall be under the care of the County Road Engineer, and shall be cared for by him at the expense of the county to which they belong. He shall cause to be made annually a written inventory of all such machinery, tools and implements, indicating each article, and the value thereof, and the necessary cost of all repairs thereto, and deliver the same to the county clerk of the county on or before October 1, in each year, and shall, at the same time, cause to be filed with the county clerk his written recommendation as to what machinery, tools and implements should be purchased for the use of the county, and the

probable cost thereof. He shall provide a proper place or places for housing and storing all machinery, tools and implements owned by the county, and cause the same to be stored therein when not in use.

§ 50. The County Road Engineer may, with the approval of the Fiscal Court, lease or hire stone crushers, road rollers, traction engines, etc. The expense thereof shall be paid by the Fiscal Court in like manner as other such claims are paid by it out of the monies belonging to the road fund for the repair and improvement of the public roads of the county.

§ 51. The County Road Engineer may, with the approval of the Fiscal Court of the county, purchase of the owner any gravel bed or pit, or stone quarry within the county, gravel or stone for the purpose of grading, repairing or otherwise improving the roads of the county at a price per cubic yard to be approved by the Fiscal Court. If such County Road Engineer cannot agree with any such owner for the purchase of such gravel or stone, he may, with the approval of the county court, acquire by condemnation, the right to take or use such gravel or stone and to remove the same from such bed, pit or quarry, for the purpose of grading, repairing, or otherwise improving such roads, together with the rights of way to and from such bed, pit or quarry for the purpose of such removal. No such gravel or stone shall be taken by condemnation within one thousand feet of any house or barn, or from any lawn, orchard or vineyard. The purchase price of such stone or gravel, and the damage awarded in such condemnation proceedings, together with the cost and expenses thereof, shall be a county charge and paid out of the monies collected therefor as provided by law. If the county shall abandon for a period of five years any right acquired in this section to take or use the gravel or stone from such bed, pit or quarry, or if the County Road Engineer shall cease to use the same for the purpose for which it was acquired, the right thereto shall

cease and the ownership thereof shall revert to and become invested in the owner of such bed, pit or quarry or of his heirs or assigns, except when the Fiscal Court has by purchase acquired title to the fee of any land or lands, in which case it shall remain and be vested in the county until disposed of by the Fiscal Court.

§ 52. Obstructions within the meaning of this chapter shall include trees which have been cut or have fallen either on adjacent land or within the bounds of the public roads in such manner as to interfere with traveling thereon; limbs or trees which have fallen within the public road or branches of trees overhanging the public road so as to interfere with the travel thereon, landslides, carcasses of dead animals, lumber, wood, or logs piled within the bounds of the public road, fences, building or other obstructions within the bounds of the public road, earth, stone or other material placed in any ditch or waterway along the public roads; telegraph, telephone, trolley or other poles and wires connected therewith, erected on the public road in such a way as to interfere with the use thereof, or any other thing which shall prevent the easy, safe and convenient use of such public road for public travel.

§ 53. It shall be the duty of the owner or occupant of land situated along the public road, to remove all obstructions, including fences and buildings, within the bounds of the right of way which have been placed there either by himself or by his consent.

§ 54. It shall be the duty of all telephone, telegraph, electric railway or other electric companies to remove and reset telephone, telegraph, trolley and other poles and wires connected therewith when the same constitute obstructions to the use of the public road by the traveling public.

§ 55. It shall be the duty of pipe line companies whose lines shall have been laid across or along any public road in this State for the purpose of transporting any natural gas, oils or water, or any other substance, to fill up all excava-

tions made thereby and to make the public road in all respects as good as it was before the excavation was made, and to keep the same in such condition. If such obstructions are not removed, or such poles or wires are not removed or reset, or such excavations are not properly filled and maintained, within thirty days after serving a notice, by the County Road Engineer, personally or by mail upon such owner, occupant or upon such company at its principal place of business, or an agent of the company within the county, requesting the same to be done, the County Road Engineer shall cause such obstructions to be removed, and such poles and wires to be reset and such repairs on the excavation to be made as may be necessary to place the same in its original condition. The expenses thereby incurred shall be paid in the first instance out of the monies levied and collected and available therefor, and the amount thereof shall be charged against such owner, occupant or company and levied and collected as provided in Section 56 of this act.

§ 56. The County Road Engineer shall assess the costs of removing obstructions and removing, resetting poles and wires pursuant to Sections 53, 54 and 55 of this chapter, against the owner, occupant or company neglecting to perform their duty imposed by the sections above referred to. Such County Road Engineer shall serve personally, or by mail upon such owner, occupant or company, a written notice, stating that at the time and place specified therein, he or his agent will assess such costs against owner, occupant or company neglecting to perform such duty. Such notice shall be served at least ten days previous to the time specified therein. If directed against a company, it may be served upon it at its principal place of business or upon any agent of the company within the said district or county. At the time and place specified he shall hear the parties interested and shall thereupon complete the assessment, stating therein the name of the owner, occupant or company, the amount assessed against him, and shall return such assessment to

the Fiscal Court of the county, who shall cause the amount stated therein to be levied against the owner, occupant or company, and any uncollected assessment shall be a lien upon the property affected. The amount so levied shall be so collected as other taxes levied by such court, and shall be paid into the county road fund to be applied to reimbursing the fund from which the said cost was defrayed.

§ 57. Any person who shall kill a tree and leave it standing within a distance of fifty feet of any public road, or without lawful authority, shall wilfully break down or destroy any bench or log across a stream for the accommodation of travelers, or destroy, injure, deface or alter any guide board, mile stone or mile post, or obstruct and injure any road or ditch made for the purpose of draining a road, or injure any statue, monument, chair or other seats, or lamp post constructed or being in any public road, space or park, or any railing or fence erected for public use, or enclosing any such space or park, or any walk or crossing for foot passengers, or any sewer, curbing or paved gutter, shall be guilty of a misdemeanor and upon conviction be fined not less than ten dollars nor more than fifty dollars.

§ 58. Any person who shall ride or drive on or over a bridge faster than a walk shall be fined five dollars. The Fiscal Court of any county may prescribe by an order, what number of stock of any kind may be driven over any bridge within their county at one time; but in every such case they shall cause a printed copy of such order to be kept in a conspicuous place at every bridge to which the same is applicable. Every person violating any such order, posted as aforesaid, or who shall tear down, alter or deface the same, except when ordered by such court to do so, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten nor more than fifty dollars.

§ 59. Any person who shall use on any public road not covered with ice, a vehicle with a chained wheel, unless the same rest upon an ice shoe at least six inches wide, shall be

fined not more than five dollars. Every person who shall draw upon public roads any logs or stone with the ends thereof dragged on the ground so that the road shall be injured thereby, shall be fined not more than five dollars in excess of the cost of the repair of said road.

§ 60. The fines imposed under this chapter shall accrue and belong in the case of a public road or bridge to the Fiscal Court of the county and be paid and applied as provided in Section 63 of this chapter; and in case of a road, turnpike or bridge owned by a person or company, shall accrue and belong to such person or company.

§ 61. Any driver of a vehicle meeting any other vehicle on the road or bridge shall reasonably drive to the right, if the width thereof will permit, so that they may pass each other without interference. And when a vehicle is overtaken by another vehicle, the driver of which desires to pass the other, the driver on the former, upon being informed of such desire, shall bear to the right and the driver of the latter to the left until the latter shall have passed. Any driver failing to do so shall be fined ten dollars.

§ 62. If any horse race be run on any public road or bridge, the rider of any horse in such race, the owner of the horse, if he consent to such race, shall be fined not less than ten nor more than fifty dollars.

§ 63. No fine imposed by this chapter shall bar action for damages for breach of contract. Except when it is otherwise especially provided, all fines shall accrue to the Fiscal Court of the county and be paid to the treasurer of the county, to be applied to the construction, improvement or repair of public roads, bridges and landings in the county in which the offense was committed.

§ 64. Every railroad company heretofore or hereinafter incorporated, which has, by the building of their road or otherwise, obstructed, or shall hereafter obstruct any public road, shall as far as possible put the road so obstructed in as good condition at every crossing of the rail-

road as it was before the obstruction within six months after the completion of, construction or repair or use of said railroad, and a failure to do so within the specified time by any railroad (and the word railroads shall include traction lines) shall be fined in the sum of not less than five hundred dollars nor more than one thousand dollars for each failure.

§ 65. The County Court of the county in which any public road or any portion thereof, taken for railroad purposes by any other corporation than a street railway company, unless such public road or portion thereof is in an incorporated city or town or village which has the control of its roads, streets and alleys, or has been constructed since such railroad, may upon petition of any party interested, served upon said company as any other civil process, appoint a committee of three to inquire whether such public road or portion thereof is unsafe for travel by reason of such railroad, or whether an alteration of such public road or the construction of a new road is thereby rendered necessary for the public safety and convenience; and such committee shall view the ground where such danger is complained of, and shall also give written notice both to the parties making the complaint and to the parties complained of, or their agents in the county, of any opportunity to be heard not less than fifteen days after the service upon such parties of a copy of such notice, and after the hearing shall report thereon to said court, which may make any proper order in the premises; and if it shall order any such alteration or construction, and said company neglect or refuse to comply with such order, the Fiscal Court of the county shall alter or construct such public road in the manner provided by this law and may recover the expense thereof from said company, as in the case of removing obstructions as provided in Section 56.

§ 66. The County Road Engineer may enter upon any of the lands adjacent to any of the public roads of his county for the purpose of opening any existing ditch or drain, or for digging a new ditch or drain for the free passage of

water for the drainage of such public roads; upon the lands of any persons adjoining rivers, streams or creeks, to drive piles, throw up embankments, or to perform any other labor necessary to keep such rivers, streams or creeks within their proper channels, and to prevent their encroachment upon public roads or abutments of bridges. He may also enter upon the lands adjoining the public road, which during the spring freshets or at the time of high water are subject to overflow from such rivers, streams or creeks, to remove or change the position of the fence or other obstructions, preventing the free flow of water under or through a bridge or culvert whenever the same may be necessary for the protection of the public road or bridge.

§ 67. When lands are entered upon under the provisions of the preceding section, the County Road Engineer may agree with the owner of such lands, subject to the approval of the Fiscal Court, as to the amount of damages, if any, sustained by the owner in consequence of such entry in the performance of such work authorized by such section, and the amount of such damages shall be a charge to be paid by the County Court out of the road funds in the county treasury. If the County Road Engineer is unable to agree with the owner upon the amount of such damages thus sustained, the amount thereof shall be ascertained, determined and paid in the manner that damages are so ascertained, determined and paid where new public roads are laid out and opened, and the Fiscal Court of the county and the land owners are unable to agree upon the amount thereof.

§ 68. The County Road Engineer may, by an order in writing, authorize the owners of property adjoining the public roads, at their own expense, to locate and plant shade trees, fruit trees, or nut-bearing trees, suitable for shade along the public road. Such trees shall not be planted within less than fifteen feet of the center of the road. Such trees shall also be planted at least sixty feet apart and according to

plans and regulations sent out by the State Commissioner of Public Roads.

§ 69. The County Road Engineer, under the direction of the Fiscal Court, shall have the full care and control of all such public shade trees in his county except within the limits of an incorporated city, town or village, and shall prosecute complaints for malicious injury to or unlawful acts concerning public trees.

§ 70. The County Road Engineer may authorize the owner or occupant of the lands to construct and maintain a watering trough besides the public road, to be supplied with fresh water, the surface of which shall be at least two feet above the level of the ground and easily accessible for horses with vehicles. The County Road Engineer shall annually give a written order upon the County Court of the county for two dollars to be paid out of the road fund of the county to such owner or occupant for maintaining such watering trough and keeping the same supplied with fresh water.

§ 71. Whenever the State Commissioner of Public Roads shall direct the County Road Engineer to do so, he shall cause to be measured all public roads within his county. Such measurement shall be made either by the use of the cyclometer or otherwise as may be directed. He shall ascertain and indicate in his report the public roads which have been surfaced with gravel, those which have been surfaced with crushed stone, brick, concrete, or other hard materials, and those which have been shaped and crowned, and the mileage of all other roads.

§ 72. The owner or tenant of lands fronting on the public road shall construct and keep in repair all approaches or driveways to and from the public road under the direction of the County Road Engineer, and it shall be unlawful for such owner or tenant to fill up any ditch or place any material of any kind or character in any ditch so as in any manner to obstruct or interfere with the purposes for which it was

made. Any person so offending shall be fined not less than ten dollars nor more than fifty dollars.

§ 73. Whenever complaint in writing, on oath, shall be made to the County Road Engineer of the county in which there shall be, in whole or in part, any toll bridge belonging to any person or corporation representing that such toll bridge has become or is unsafe for public use, the County Road Engineer shall forthwith cause to be made a careful and thorough examination of such toll bridge, and if upon examination thereof he shall be of the opinion that the same has for any cause become dangerous or unsafe for public use, he shall thereupon give immediate notice to the owner of such toll bridge or to any agent of such owner acting as the agent, in respect to such bridge, that he has on complaint made, carefully and thoroughly examined the bridge and found it to be unsafe for public use. Such owner shall thereupon immediately commence repairing the same and cause such repairs to be made within one week from the day such notice is given, or within reasonable time thereafter as may be necessary to thoroughly repair the bridge so as to make it in all respects safe and convenient for public use. For neglect to take prompt and effective measures to repair such bridge, its owners shall be fined fifty dollars and shall not demand or receive any toll for using same until it shall be fully repaired. The County Road Engineer shall cause repairs to be made and the owners of the bridge shall be liable for the expense thereof and for the services of a foreman at three dollars per day, and upon the neglect or refusal to pay the same upon presentation of any account thereof, the County Road Engineer may recover the same by action in the name of the county.

§ 74. The County Road Engineer shall bring an action in the name of the county against any person or corporation to sustain the rights of the public in and to any public roads in the county and to enforce the performance of any duty enjoined upon any person or corporation in relation thereto,

and to recover any damage sustained or suffered by any person, corporation or district, in consequence of any such act of any such person or corporation in violation of any such right or duty in relation to such public roads.

§ 75. The County Road Egineer, if he shall refuse to prosecute for any penalty provided in this chapter, knowing the same to have been incurred, shall be liable to a penalty of twenty-five dollars for every such negligence or refusal, which shall be recovered by action in the name of the county by the county.

§ 76. If it shall appear necessary to a County Road Engineer to close a public road, or bridge, which is being constructed, improved or repaired under this chapter, so as to permit a proper completion of such work, he shall execute a notice in duplicate. Such notice shall state the necessity for closing such public road, or bridge, and describe the portion thereof to be closed. He shall cause to be posted at each end of the portion of the road, or bridge, to be closed, a copy of said notice, and shall thereupon close the same to the public travel by erecting suitable obstructions, and posting conspicuous notices to the effect that the public road, or bridge, is closed. Not more than one mile of any public road shall be closed at one time. The County Road Engineer shall provide a new location for constructing a temporary road to be used by the traveling public in lieu of the closed public road, and may erect temporary bridges when necessary. For the purposes of locating or constructing such temporary road or bridge, the County Road Engineer may enter upon the lands adjoining or near to the closed public road, and may with the approval of the Fiscal Court, agree with such owners of such lands as to the damages, if any, caused thereby. If the County Road Engineer is unable to agree with such owner, or owners, upon the amount of the damages sustained, the amount thereon shall be ascertained, determined and paid as provided in Section 16 of this chapter. When such public road, or bridge, shall have been

closed to the public as herein provided, any person who shall disregard the obstructions and notices and drives or rides over the portion of the public road, or bridge, so closed, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $5.00 nor more than $25.00.

§ 77. The County Court shall furnish the County Road Engineer and his employees in the county with all necessary books, stationery and printed forms for the records and uses of their respective offices.

§ 78. Each County Road Engineer shall deliver the books, accounts and papers pertaining to his office to his successor at the expiration of his term of office. If he fails to do so on demand, he shall be fined the sum of $500.00.

§ 79. Each public road official who is now in office or who may hereafter be in office by virtue of this chapter, shall at the expiration of his term of office, pay over to his successor, all the money in his hands by virtue of his office, taking duplicate receipts therefor, one of which shall be filed with the Clerk of the County Court. If he fails to do so, he shall be liable to double the amount in his hands to be recovered by the County, before any justice or court having jurisdiction.

§ 80. County Judges and justices of the peace shall have concurrent jurisdiction with the Circuit Court to enforce the misdemeanor penalties herein prescribed.

§ 81. The officers or road overseers and road supervisor provided for in Chapter 110, Kentucky Statutes, are hereby abolished.

§ 82. Nothing in this act shall be construed as affecting the duties of County Suveyors in counties containing a population of over two hundred thousand inhabitants.

§ 83. Nothing herein contained shall interfere with the right of any county to construct, reconstruct, or maintain its roads and bridges by means of road and other machinery in such manner as the Fiscal Court may provide, nor shall it interfere with the right of any county to warn in hands on

roads as now provided by law, but all contracts let for roads and bridges shall first be let under the provisions of this act, but should there be no suitable bid, and all bids are rejected under the plan provided, then any county may otherwise contract for the construction, reconstruction or maintenance of its roads and bridges in such manner as the Fiscal Court thereof may deem best.

§ 84. If any County Road Engineer shall directly or indirectly influence or attempt to influence any voter in any State, county or district election, in the casting of his vote for or against any candidate or upon any other question submitted in any such election he shall be fined not less than twenty nor more than one hundred dollars for each offense.

§ 85. The fiscal court of any court may require all able-bodied male citizens of the county, over eighteen and under fifty years of age, except licensed ministers of the Gospel, and citizens of incorporated towns and cities, to provide themselves with necessary tools and implements, and to work on the public roads of the county not exceding two days in a week, and six days in each year, and in cases of unusual emergency, the overseers may require the road hands to work a greater number of days in any week or year. In cases where the fiscal court shall pay the road hands for their work, the said court may require them to work more than six days in a year. Any such citizen may furnish an able-bodied substitute to work in his place. A day's work on the road for such hands shall be eight hours. The fiscal court, in its discretion, may pay the hands so ordered to work on the roads a reasonable compensation per day for all or any part of their labor. The amount due to each hand shall be certified by the overseer to the fiscal court, which court shall direct the sheriff to settle all such claims in the payment of taxes, when any taxes are due by the person to whom allowed; and if no taxes are due, or if the claim amounts to more than the taxes due, the sheriff shall pay the persons holding such claim, taking their receipt for the

same, which shall be his voucher in his settlement. Any one assigned to work on a public road who shall, without good cause, fail to appear with proper implements, and do good work thereon, after having been notified for two days by the officer having supervision of the road, or by some one authorized in writing, by him, to give said notice, shall, on trial and conviction, before a Justice of the Peace, or the County Judge, be fined for each day he so fails to work, two dollars and fifty cents. All such fines, when collected, shall be used for road purposes, and upon failure to pay, a capias pro fine may issue.

§ 86. The judge of each county court may at the first regular term of his court after this act takes effect, divide his county into road precincts, shall fix boundaries, for the same, and shall allot all the able-bodied male citizens within said boundary, between the ages of eighteen and fifty years, to work on the roads in their respective precincts. For each precinct he shall appoint an overseer, a resident of the precinct, who shall hold his office two years from the day of his appointment and until his successor shall be appointed, unless sooner removed by the county court. And the county judge shall fill all vacancies that may occur in said office.

§ 87. The appointment of overseers shall be by order entered in the order book of the court; and the clerk of said court shall, within ten days after the entry aforesaid, deliver two copies of such order for each overseer to the sheriff, a road engineer, a constable, town marshal, or the Jailer of said county, by whom one copy shall be delivered to the overseer named therein, within fifteen days thereafter. Said order shall contain a description of the precinct allotted to each overseer. The sheriff or other officer delivering such order shall return the other copy, with the endorsement of services to the county court. For each failure of the said clerk, sheriff or other officer to discharge the duties herein provided, such officer shall be fined five dollars. The said overseers shall be exempt from service on juries and from

poll-tax for road and bridge purposes; and for failure to perform the duties herein required of them, shall, for each offense, be fined from five dollars to twenty-five dollars. The fines imposed under this section to be recovered on warrants issued by and tried before the judge of the quarterly court, or by indictment of the grand jury, and trial in the circuit court.

§ 88. The duties of the overseers shall be as follows, to-wit: In counties wherein the roads are worked by hands allotted as hereinbefore provided, the overseers shall have charge of the roads and bridges in their respective precincts, construct bridges, and work the roads in the manner directed by the fiscal court, shall summons the hands to work the roads in their respective precincts; superintend and direct said work, and keep the road and bridges thereon free of obstructions and in good condition for travel; and may employ the necessary wagons, plows, scrapers, teams and such additional implements as may be needed to work said road; and shall report to the nearest Justice of the Peace or to the county judge any failure or refusal of any of the hands on his road to appear and do good work in obedience to his summons, and the number and length of time of such failure, and he shall also report promptly to the county judge any damage, injury or obstruction caused by any one to said road or bridges thereon. And when the Fiscal Court has provided for paying hands for working on the road, it shall be the duty of the overseers to report to the fiscal court the number of hands and the time worked by each who have worked on the roads of their respective precinct, and to furnish to each hand a certificate of the time so worked by him.

§ 89. The following sections of Carroll's Kentucky Statutes of 1909, together with all other laws, or parts of laws, with amendments thereto, in conflict herewith, are hereby repealed: Sections 895, 1143, 1227, 1241, 1330, 1342-3, 1862-9, 1886-1898a, 2487, 2547, 3092-3, 4287-4356, 4454, 4712-

4748c, all inclusive, chapters 94 and 122 of laws of 1910 and chapter 110 of laws of 1912 are hereby repealed.

The Committee on Public Roads and Highways offered the following amendments to said bill:

Amend S. B. 39 in the House by striking out the word "terms," in the twelfth line of section 21, and inserting the word "term."

In line 26 of Section 21, before the word "statutes," add the words "Carroll's 1909 Edition, Kentucky."

Add before the word "roads," in line 2 of section 22, the words "or reconstruct."

In the ninth line of Section 36 change the word "henceforth" to "thenceforth."

In Section 43, line 1, before the word "the," add the words "The County Road Engineer, by and with the advice and consent of."

Add before the word "the" (,) after the word "Judge" (,).

After the word "by," in line 6 of Section 43, add the words "The County Road Engineer, acting under the direction of."

In Section 49, line 7, change the word "hereinafter" to the word "hereinbefore."

After the word "fines," in line 3 of Section 63, add the words "imposed under the provisions of this act."

In line 7 of Section 76 change the word "or," after the word "portion," to "of."

In line 21 of section 76 change the word "thereon" to "therefor."

Said amendments were disagreed to.

Mr. Polin offered the following amendment to said bill:

Amend S. B. 39, Section 39, line 10, by adding after the word "representative" the following:

"Provided no county road engineer is appointed, then the Fiscal Court is hereby empowered to adopt in and for their respective counties all such reasonable rules and regulations as they may deem proper to control and manage the construction and maintenance of public roads and bridges as well as the duties of the citizens thereof with reference to such roads and for the management of the road and bridge fund therein. Any person who shall violate or refuse to obey any such rule or regulation, after the same has become effective as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than fifty dollars for each offense. All fines and forfeitures imposed under this act shall constitute a part of the road and bridge fund."

Said amendment was disagreed to.

Mr. Walton offered the following amendment to said bill:

Amend S. B. 39, page 10, line 11, after word "county," "upon the petition of one hundred and fifty legal voters who are freeholders of the county at the regular terms thereof, after receiving said petition."

Said petition was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Wallace Bailey
J. M. Billeter
Henry C. Blades
Joseph Boitnott
Elmer L. Brown
A. T. Bryson
C. W. Burton
Glover H. Cary
J. G. Coke, Jr.
George T. Davis
James R. Dorman
John W. Douglas
John Drescher
William Duffy
Thomas J. Evans
M. J. Farris, Jr.
W. N. Flippin
Vert C. Fraser
Ed. Frost
C. M. Gum
Elwood Hamilton
V. D. Hammond
H. H. Harrington
J. B. Harvey
W. E. Henninger
D. H. Hillman
J. J. Huff
J. M. Johnson
T. R. Jones
John A. Judy
John H. Klette
J. C. Lay
Simon B. Lott
C. R. Luker
John McDyer
W T. McNally
John G. Miller, Jr.
T. T. Mobley
Harry J. Meyers
Zach. L. Myers
John E. Newman
C. B. Nichols
S. Mazyck O'Brien
A. W. Palmer
Lyman J. Parrigin
Lilburn Phelps
William A. Perry
John A. Polin
Dr. T. J. Poteet
W. A. Price
Richard Radcliffe
S. H. Rogers
B. T. Rountree
S. M. Saufley
Adam Spahn
Ed. D. Stone
N. C. Tilford
James T. Webb
W. M. Webb
John F. White
M. O. Wilson
Roy S. Wilson

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Those voting in the negative were—

Jas. W. Barrall	W. L. Hampton	Stanley F. Reed
Ed. F. Cecil	H. H. Hays	W. E. Rogers
H. C. Duffy	Dr. S. L. Henry	A. W. Sharp
Odie Duncan	R.B.Hutchcraft,Jr.	W. A. Shawler
G. P. Durrett	Griffin Kelly	W. T. Stott
Frank C. Greene	J. R. Mount	M. S. Walton, Jr.
E. V. Hall	Dr. W. R. Ray	J. D. Wills

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Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 130. An Act to amend Section 3 of Chapter 72 of the Acts of 1910.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3 of Chapter 72 of Acts of 1910, which is as follows:

"Whenever any warrant hereafter issued by the Auditor of Public Accounts shall be presented to the Treasurer for redemption, and the funds appropriated for the purpose for which said warrant was issued are exhausted, the Treasurer shall endorse thereon the date of its presentation with the words, 'no funds with which to pay this warrant, and it bears five per cent interest from this date until called in,' with his official signature thereto, and such warrant shall thereafter bear interest at the rate of five per cent per annum, payable semi-annually,"

be amended, so that when amended, it shall read as follows:

"Whenever any warrant hereafter issued by the Audi-

tor of Public Accounts shall be presented to the Treasurer for redemption, and the funds appropriated for the purpose for which said warrant was issued are exhausted, the treasurer shall endorse thereon the date of its presentation with the words, 'no funds with which to pay this warrant, and it bears five per cent interest from this date until called in,' with his official signature thereto, and such warrant shall thereafter bear interest at the rate of five per cent per annum, payable semi-annually. After said warrant is so stamped, it shall be exempted from all taxes levied by this State or any sub-division thereof. All Acts and parts of Acts in conflict herewith are hereby repealed."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	James R. Dorman	C. M. Gum
Jas. W. Barrall	John W. Douglas	E. V. Hall
Geo. B. Barrett	John Drescher	Elwood Hamilton
Henry C. Blades	H. C. Duffy	W. L. Hampton
Joseph Boitnott	William Duffy	V. D. Hammond
Elmer L. Brown	Odie Duncan	H. H. Harrington
A. T. Bryson	G. P. Durrett	J. B. Harvey
C. W. Burton	M. J. Farris, Jr.	H. H. Hays
Glover H. Cary	W. N. Flippin	Dr. S. L. Henry
Ed. F. Cecil	Vert C. Fraser	J. J. Huff
J. G. Coke, Jr.	John F. Fryer	R.B.Hutchcraft,Jr.
Benj. L. Cox	Frank C. Greene	J. M. Johnson

T. R. Jones	Zach. L. Myers	W. E. Rogers
John A. Judy	John E. Newman	W. A. Shawler
Griffin Kelly	C. B. Nichols	L. M. Smith
John H. Klette	S. Mazyck O'Brien	Adam Spahn
William J. Kuh	Lilburn Phelps	W. T. Stott
Simon B. Lott	William A. Perry	N. C. Tilford
C. R. Luker	John A. Polin	M. S. Walton, Jr.
Dr.J.N.M'Cormack	W. A. Price	James T. Webb
John McDyer	J. D. Pumphrey	W. M. Webb
W. T. McNally	Richard Radcliffe	John F. White
T. T. Mobley	Dr. W. R. Ray	N. B. White
J. R. Mount	Stanley F. Reed	J. D. Wills
Harry J. Meyers	S. H. Rogers	—74

Resolved, That the title thereof be as aforesaid.

Mr. Polin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 258. An Act to create the 16th and 19th Senatorial Districts of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Sixteenth and Nineteenth Senatorial Districts of Kentucky be, and the same are, hereby created as follows:

1. The Sixteenth Senatorial District of Kentucky shall consist of the counties of Clinton, Cumberland, Monroe, Russell and Wayne.

2. The Nineteenth Senatorial District shall consist of the counties of Adair, Barren and Metcalfe.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Judy offered the following amendment to said bill:

Amend S. B. 258 by striking out of Section 1, line 1, after the word "nineteenth" down to the word "Senatorial," in the second line of said section, the words eliminated being "twenty-eighth and twenty-ninth," and all of Sections 3 and 4.

Said amendment was agreed to.

Mr. Reed offered the following amendments to said bill:

Amend S. B. 258 by striking out the words "sixteenth, nineteenth," in line 1, Sec. 1, and by striking out lines four, five, six and seven.

Amend title by striking out the words "sixteenth" and "nineteenth."

Said amendments were disagreed to.

Mr. Judy offered the following amendment to the title of said bill:

Amend title by striking out "28th and 29th."

Said amendment was agreed to.

Mr. Radcliffe moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows:

Those voting in the affirmative were—

Jas. W. Barrall	Elwood Hamilton	C. B. Nichols
Geo. B. Barrett	W. L. Hampton	A. W. Palmer
Henry C. Blades	V. D. Hammond	William A. Perry
Joseph Boitnott	H. H. Harrington	John A. Polin
Elmer L. Brown	Dr. S. L. Henry	Dr. T. J. Poteet
C. W. Burton	D. H. Hillman	W. A. Price
Glover H. Cary	R.B.Hutchcraft,Jr.	J. D. Pumphrey
J. G. Coke, Jr.	J. M. Johnson	Richard Radcliffe
Benj. L. Cox	T. R. Jones	Dr. W. R. Ray
George T. Davis	John A. Judy	W. E. Rogers
John W. Douglas	John H. Klette	S. M. Saufley
William Duffy	Dr.J.N.M'Cormack	L. M. Smith
Odie Duncan	W. T. McNally	W. T. Stott
G. P. Durrett	John G. Miller, Jr.	N. C. Tilford
Thomas J. Evans	T. T. Mobley	James T. Webb
Vert C. Fraser	J. R. Mount	John F. White
Ed. Frost	Harry J. Meyers	J. D. Wills
John F. Fryer	Zach. L. Myers	Roy S. Wilson
Frank C. Greene	John E. Newman	—56

Those voting in the negative were—

J. M. Billeter	H. C. Duffy	J. B. Harvey
A. T. Bryson	M. J. Farris, Jr.	H. H. Hays
Ed. F. Cecil	W. N. Flippin	W. E. Henninger
John Drescher	C. M. Gum	J. J. Huff

William J. Kuh	Lilburn Phelps	M. S. Walton, Jr.
J. C. Lay	Stanley F. Reed	W. M. Webb
Simon B. Lott	S. H. Rogers	N. B. White
C. R. Luker	B. T. Rountree	M. O. Wilson
S. Mazyck O'Brien	W. A. Shawler	
Lyman J. Parrigin	Ed. D. Stone	—28

Resolved, that the title thereof be as aforesaid.

Mr. Judy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Miller moved that this House do now recess until 7:30.

Said motion was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 205. An Act to amend and re-enact Article 1, Chapter 52, of the Kentucky Statutes, Edition of 1909, being Sections 1833 to 1851, inclusive, entitled "Fiscal Courts," as amended by an Act entitled "An Act to amend Section 1850 of the Kentucky Statutes, Edition of 1909," being chapter 116 of Acts of 1910.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1835 be and the same is hereby stricken out, and there is inserted in lieu thereof the following:

"Section 1835. Clerk of Court—Compensation. The Fiscal Court of each county shall have a clerk, whose duty it shall be to attend all sessions of the Fiscal Court, keep a full and complete record of all its proceedings, with a proper index, and perform all other clerical or secretarial duties assigned to him by the court. In counties of the first class the Fiscal Court shall elect a clerk annually in the month of January, who shall qualify by executing a good and sufficient bond in an amount to be fixed by the Fiscal Court, and who shall serve until his successor is elected and qualified. In counties of the second, third, fourth and fifth classes the clerk of the County Court shall be the clerk of the Fiscal Court. For his services the Fiscal Court shall make the clerk a reasonable allowance to be paid out of the county levy."

§ 2. That Section 1846 be and the same is hereby stricken out, and there is inserted in lieu thereof the following:

"Section 1846. Publication of Statement of Financial Condition of County—Penalty for Failure. It shall be the duty of the Fiscal Court of each county of the first and second class to cause to be published in one newspaper of general circulation in such county, and in any other form it may deem proper, in the months of April, July, October and January of each year, a financial statement of the county covering the three months next preceding each statement, and which statement shall include a list of the claims and amounts thereof allowed against the county during the preceding three months, and to whom allowed, and the names of all the persons returned by the sheriff on his return to tax warrants, and the amount due from each, for the preceding three months, with such other information as it may deem proper to have published.

"In each county of the third, fourth and fifth classes the Fiscal Court shall cause to be published annually in one newspaper published in said county a statement showing the financial condition of the county as hereinabove provided,

but if there is no paper published in the county, then the publication shall be made in such form as the Fiscal Court may deem proper.

"The Fiscal Court, and each member thereof, in any county that fails or refuses to cause to be pubilshed the information required by this section, and in the manner herein provided, shall be fined fifty dollars ($50) for each offense, to be recovered by indictment in the Circuit Court."

§ 3. That Section 1847 be and the same is hereby stricken out, and in lieu thereof is inserted the following:

"Section 1847. Commissioners May Constitute Fiscal Court—Election and Term of Office. But any county in the Commonwealth of Kentucky so desiring it may have three Commissioners to be elected from the county at large, who, together with the Judge of the County Court, shall constitute the Fiscal Court of said county. To ascertain whether a county desires a Fiscal Court composed of three Commissioners and the County Judge, the County Judge of said county, upon application by written petition signed by at least three hundred and fifty (350) of the legal voters of said county, is hereby authorized, empowered and directed to submit to the qualified voters of the county, at the next general election thereafter to be held next preceding the next general election thereafter to be held for county officers, in accordance in all respects, except as differently provided for in this Act, with the provisions governing general elections prescribed by law, the question, "Are you in favor of the Fiscal Court of the county being composed of three Commissioners to be elected from the county at large and the Judge of the County Court?" It is hereby made the duty of the County Judge, after receiving said petition, to make an order on his order book directing the officers of election in all voting precincts of the county to open a poll to take the sense of the legal voters of the county upon the question above set forth, and to see that the officers of election at the respective voting precincts in the county are furnished with poll books of said election for

the purposes thereof. The clerk of the County Court shall furnish the sheriff of said county with a copy of the order made by the Judge of said County Court on the order book, and the sheriff shall cause same to be published in one or more newspapers of general circulation published in the county not less than four weeks previous to the election, and also to advertise the same by printed hand-bills posted not less than two weeks before said election in a conspicuous place in each of the voting precincts in said county. In counties wherein no newspapers are published, the hand-bills shall be sufficient notice of the election. The voting shall be by secret ballot, each ballot to have printed thereon the question, 'Are you in favor of the Fiscal Court of the county being composed of three Commissioners to be elected from county at large and the Judge of the County Court?' Said election shall be conducted, the returns thereof made and the results thereof ascertained and determined in accordance with the provisions of the law governing general elections, except as may be differently provided by this Act. The County Judge shall determine the sufficiency of the petition presented from the poll book of the last previous general election. If a majority of the legal votes cast upon the question at said election are in favor of the Fiscal Court of said county being composed of three Commissioners to be elected from the county at large and the Judge of the County Court, it shall be the duty of the County Judge to cause to be entered upon his order book an order to that effect, and there shall be elected at the next general election thereafter to be held for county officers three Commissioners, two of whom, to be determined by lot, shall be elected and serve for a term of two years, and the third one of whom shall be elected and serve for a term of four years. At the expiration of two years from the time when said Commissioners shall have been elected, and at the general election to be held at that time and every four years thereafter, there shall be elected two Commissioners for a term of four years each to succeed the

two Commissioners who shall have been elected for a term of two years, and at the next general election thereafter, to be held for county officers, and every four years thereafter, there shall be elected one Commissioner for a term of four years.

"Whenever it shall be necessary to determine by lot the length of time of any Commissioner elected under this Act, such determination by lot shall be made at the first session of the Fiscal Court after such new member shall have been elected and qualified.

"Whenever any county of the second, third, fourth or fifth class shall have decided that its Fiscal Court shall be composed of three Commissioners to be elected from the county at large and the Judge of the County Court, it shall be the duty of the County Judge, before the next general election thereafter to be held for county officers, to divide the county into three districts as nearly equal in population as possible, which districts shall be designated by him as District No. 1, District No. 2, and District No. 3, and at said election, and all elections thereafter, in which a County Commissioner or Commissioners are to be elected, the ballot shall show the district in which any candidate resides; but each Commissioner elected shall be elected by the votes of the county at large, so that the Fiscal Court shall always be composed of one Commissioner from each of the three districts of said county."

§ 4. That Section 1849 be and the same is hereby amended by striking out the latter part of said section, beginning with the words, "Provided, however," etc., so that said section as amended shall read as follows:

"Section 1849. Term of office of Commissioner. The Commissioners shall take the oath of office, and enter upon the discharge of their duties, on the first Monday in January after their election, and continue in office for four years, and until their successors are elected and qualified."

§ 5. That Section 1850, as amended by Act of 1910, be

and the same is hereby amended by striking out the following words: "Any vacancy occurring in the office of Commissioner shall be filled in the same manner as vacancies in the office of Justice of the Peace are filled," and inserting in lieu thereof the following words, to-wit; "Any vacancy in the office of Commissioner shall be filled by appointment by the County Judge, subject to, and in accordance with Section 152 of the Constitution of the Commonwealth of Kentucky." So that Section 1850, as now amended, will read as follows:

"Section 1850. Laws Applicable to Commissioners—Vacancy, How Filled. All the provisions of this article governing Fiscal Courts, composed of the Judge of the County Court and Justices of the Peace, shall be applicable to and govern Fiscal Courts composed of three Commissioners and the Judge of the County Court, except that when the County Judge is unable to call a special session, and it is necessary that one be called, then two Commissioners may call the same, if in their opinion the necessity exists therefor. Any vacancy in the office of Commissioner shall be filled by appointment by the County Judge, subject to, and in accordance with Section 152 of the Constitution of the Commonwealth of Kentucky. And whenever there shall be a tie vote in the said Board of Commissioners upon the question of the election of any officer or employe to be elected or employed by said Commissioners, and a deadlock shall result, and said tie vote shall continue for a period of not less than fifteen days, it shall thereupon be and become the duty of the County Judge to cause to be entered upon the minutes of the Board of Commissioners, at a meeting of the said Board of Commissioners, an order reciting the facts as to said deadlock or tie vote, and the question upon which the same occurred and exists, and thereupon, unless an election is immediately had by said board, and within five days from the time said order is so entered, it shall be and become the duty of the County Judge to appoint such officer or employe, and such appointee shall have all the qualifications required by law

of such officer or employe, and shall hold his office for the full term provided by law, and until his successor is elected and qualified."

§ 6. That said Article 1, of Chapter 52, be and the same is hereby amended by adding thereto the following provisions, to-wit:

"In counties which have voted in favor of the Fiscal Court of the county being composed of three Commissioners to be elected from the county at large and the County Judge, and in which Commissioners have not been elected, there shall be elected at the regular election held in November, 1915, three Commissioners from the county at large, one of whom, to be determined by lot, shall serve for a period of two years, and the other two of whom shall serve for a term of four years. Provided, however, that in counties of the first class where magistrates were elected November, 1913, for a term of four years, they shall, if removed as members of the Fiscal Court, under the provisions of this Act, receive, from and after the date of such removal, out of the county levy, a per diem of three dollars for each working day, payable monthly, until the expiration of the term of office for which they were elected. At the expiration of two years from the time when said Commissioners shall have been elected, and at the general election for county officers to be held at that time, and every four years thereafter, there shall be elected one Commissioner for a term of four years to succeed the one Commssioner who shall have been elected for a term of two years, and at the expiration of four years from the time when said Commissioners shall have been first elected, and at the general election to be held at that time, and every four years thereafter, there shall be elected two Commissioners for a term of four years each to succeed the two Commissioners so first elected. Provided, that in counties of the second, third, fourth and fifth class, as hereinafter classified, the County Judge of any such counties in which the Fiscal Court is now or may hereafter be composed of

three Commissioners and the County Judge, shall, within thirty days after this Act takes effect, divide said county into three districts as nearly equal in population as possible, and all appointments and elections of Commissioners shall be made from said districts, so that the Fiscal Court shall always be composed of the County Judge and one Commissioner from each of the said three districts and their successors in office. In all elections of Commissioners they shall be voted for by the voters of the county at large."

§ 7. That said Article 1, of Chapter 52, be and the same is hereby amended by adding thereto the following provisions, to-wit:

"In counties which have voted in favor of the Fiscal Court being composed of the Judge of the County Court and three Commissioners to be elected from the county at large, and in which counties the Commissioners shall have been elected prior to the passage and approval of this Act, there shall at the next general election to be held for county officers, be elected three Commissioners, two of whom, to be determined by lot, shall be elected to serve for a term of two years, and the other one of whom shall be elected to serve for a term of four years, and their successors shall in each case be elected for a term of four years."

§ 8. That Article 1, of Chapter 52, be and the same is hereby amended by adding thereto the following provision, to-wit:

"For the purpose of government and organization, the counties of the Commonwealth shall be divided into five classes, and the basis of such classification shall be the assessed valuation of all the property, tangible and intangible, within said county in any one year.

"First—To the first class shall belong all counties of the Commonwealth in which the assessed valuation of all the property therein shall be one hundred million dollars or more.

"Second—To the second class shall belong all counties

of the Commonwealth in which the assessed valuation of all the property therein shall be twenty-five million dollars or more, and less than one hundred million dollars.

"Third—To the third class shall belong all counties of the Commonwealth in which the assessel valuation of all the property therein shall be ten million dollars or more, and less than twenty-five million dollars.

"Fourth—To the fourth class shall belong all counties of the Commonwealth in which the assessed valuation of all the property therein shall be five million dollars or more, and less than ten million dollars.

"Fifth—To the fifth class shall belong all counties of the Commonwealth in which the assessed valuation of all property therein shall be less than five million dollars."

§ 9. That said Article 1, of Chapter 52, be and the same is hereby amended by adding thereto the following provisions, to-wit:

"The salaries of the Commissioners provided for under this Act shall be paid for out of the county levy, and shall be as follows per annum for each Commissioner:

"First—In counties of the first class, three thousand dollars ($3,000).

"Second—In counties of the second class, twelve hundred dollars ($1,200).

"Third—In counties of the third class, five hundred dollars ($500).

"Fourth—In counties of the fourth class, two hundred dollars ($200).

"Fifth—In counties of the fifth class, one hundred dollars ($100).

"The salary of any Commissioner shall not be changed during the term for which he was elected."

§ 10. Article 1, Chapter 52, of the Kentucky Statutes, Edition 1909, and each section thereof which is not in conflict with the provisions of this Act, is hereby re-enacted as

herein amended, and all Acts and parts of Acts in conflict herewith are hereby repealed.

§ 11. If any section in this bill shall be held to be unconstitutional, that fact shall not affect any other section of the act, it being the intention of the General Assembly in enacting this bill to enact each section separately, and if any proviso or exception contained in any section of this bill shall be declared unconstitutional, that fact shall not affect the remaining portion of said section; it being the intention of the Legislature to enact each section of said bill and each proviso and exception thereto separately.

Mr. Meyers offered the following amendment to said bill:

Amend, so that Section 6 of said bill be amended by striking from line 7 of said section the numerals "1915" and inserting in said line in lieu thereof the numerals "1917," and by striking from line 17 of said section the word "general" and inserting in said line in lieu thereof the word "regular," and by striking from said line 17 of said section the words "for county officers."

The yeas and nays being taken on the amendment proposed by Mr. Meyers, were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	Ed. F. Cecil	Vert C. Fraser
Wallace Bailey	Benj. L. Cox	Ed. Frost
Jas. W. Barrall	George T. Davis	John F. Fryer
Geo. B. Barrett	John W. Douglas	E. V. Hall
J. M. Billeter	John Drescher	W. L. Hampton
Henry C. Blades	H. C. Duffy	V. D. Hammond
Joseph Boitnott	Odie Duncan	H. H. Harrington
Elmer L. Brown	G. P. Durrett	J. B. Harvey
C. W. Burton	Thomas J. Evans	H. H. Hays
Glover H. Cary	W. N. Flippin	Dr. S. L. Henry

D. H. Hillman	Harry J. Meyers	S. M. Saufley
J. J. Huff	Zach. L. Myers	W. A. Shawler
R.B.Hutchcraft,Jr.	John E. Newman	Adam Spahn
J. M. Johnson	C. B. Nichols	Ed. D. Stone
T. R. Jones	A. W. Palmer	W. T. Stott
Griffin Kelly	Lyman J. Parrigin	N. C. Tilford
William J. Kuh	W. A. Price	James T. Webb
J. C. Lay	J. D. Pumphrey	John F. White
Dr.J.N.M'Cormack	Richard Radcliffe	N. B. White
Geo. M. McDowell	Dr. W. R. Ray	J. D. Wills
John G. Miller, Jr.	W. E. Rogers	Roy S. Wilson

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Those voting in the negative were—

A. T. Bryson	Simon B. Lott	Dr. T. J. Poteet
J. G. Coke, Jr.	W. T. McNally	Stanley F. Reed
William Duffy	J. R. Mount	B. T. Rountree
C. M. Gum	S. Mazyck O'Brien	M. S. Walton, Jr.
Elwood Hamilton	Lilburn Phelps	M. O. Wilson
W. E. Henninger	William A. Perry	

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And so said amendment was adopted.

Mr. Spahn offered the following amendment to said bill:

That Section 6 of said bill be amended by striking from said section, beginning in line 9 thereof and concluding in line 15 thereof, the following words: "Provided, however, that in counties of the first class where magistrates were elected November, 1913, for a term of four years, they shall, if removed as members of the Fiscal Court, under the provisions of this act, receive, from and after the date of such removal, out of the county levy, a per diem of three dollars for each working day, payable monthly, until the expiration of the term of office for which they were elected," and inserting in lieu thereof the following: "Provided, however, that the provision herein made for an election to be held in No-

vember, 1915, shall not apply to counties of the first class where magistrates were elected November, 1913, for a term of four years."

Mr. Spahn offered the following amendment:

That Section 6 of said bill be amended by striking from said section, beginning in line 9 thereof and concluding in line 15 thereof, the following words: "Provided, however, that in counties of the first class, where magistrates were elected November, 1913, for a term of four years, they shall, if removed as members of the Fiscal Court, under the provisions of this Act, receive, from and after the date of such removal, out of the county levy, a per diem of three dollars for each working day, payable monthly, until the expiration of the term of office for which they were elected."

Mr. Judy offered the following amendment to said bill:

Amend by adding thereto the following: "The provisions of this act shall not apply to any county having therein a city of the fourth class."

Mr. Meyers moved the previous question.

Said motion was agreed to.

Mr. J. T. Webb moved that said bill be tabled.

Said motion was disagreed to.

Mr. Judy moved that said bill and all pending amendments be tabled.

Said motion was agreed to.

Mr. H. J. Meyers moved that the vote by which said bill and all pending amendments was tabled be reconsidered and that that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 63. An Act to repeal and en-enact an Act entitled, "An Act granting pensions to indigent and disabled Confederate soldiers," which Act became a law March 11, 1912.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an Act entitled "An Act Granting Pensions to Indigent and Disabled Confederate Soldiers," which Act became a law March 11, 1912, and the same is hereby repealed, and that the following be, and the same is hereby enacted in lieu of same, to-wit:

§ 1. That there is hereby created a Department of the State Government to be known as the Confederate Pension Department, which shall be under the direction and control of a Commissioner, who shall be appointed by the Governor, and who shall hold his office for a period of four years from date of his appointment and until his successor is appointed and qualified.

§ 2. That said Commissioner shall have power to decide all questions arising under this Act and his decision shall be final, except that any applicant who may not be satisfied with his rulings and decisions may appeal to the Pension Board created by this Act. The Governor, Auditor and Secretary of State shall constitute the State Pension Board.

The decisions of said Board shall be final in all cases appealed to it.

§ 3. The pension office shall be located in such room or rooms of the State Capitol as may be necessary for its use and designated by the Commissioners of the Sinking Fund.

§ 4. The necessary record books, blanks, stationery, postage stamps, office fixtures and supplies, shall be furnished to this department as like supplies are furnished to the Executive Departments as provided in Section 347, Kentucky Statutes.

§ 5. The salary of the Commissioner shall be twenty-five hundred dollars per annum, and he shall have power to appoint an office force of not less than two clerks, one of whom shall be paid twelve hundred dollars per annum, and one of whom shall be paid nine hundred dollars per annum, and these salaries shall be paid as the salaries of other departments of the State Government are paid out of the General Expenditure Fund.

§ 6. That any indigent, disabled person who has been an actual bona fide resident of this State continuously since January 1, 1907, and did actual military service in the Confederate Army from the date of his enlistment till the close of the war, or until he was honorably discharged, as an officer or private soldier or sailor in the military or naval service of the Confederate States of America in the war of 1861-5, or the widow of such officer or private soldier or sailor to whom she was married prior to January 1, 1890, and who was living with him as his lawful wife at the time of his death shall be paid out of the State Treasury the sum of ten ($10) dollars per month upon proof of the fact according to forms and regulations prescribed by this Act and conditions prescribed therein; Provided, that any officer or private soldier or sailor who was prevented from so serving till the close of the war, or until he was honorably discharged by reason of wounds received or disease contracted in line of duty, which rendered him unable to perform further military

service, shall be entitled to the benefits of this Act as though he had served until the close of the war or until honorably discharged; and, provided further, that any officer or private soldier or sailor who deserted or was dishonorably discharged, shall not be entitled to the benefits of this Act unless he re-enlisted or returned to the service in the Confederate army and served till the close of the war or until he was honorably discharged or was prevented from so serving by wounds received or disease contracted in line of duty which rendered him unable to perform further military service.

§ 7. That when a person to whom a pension has been granted dies, the amount due the decedent on the date of death shall be paid to an administrator who shall be appointed by the County Judge of the county where the pensioner resided at time of death. The administrator shall, before the next succeeding date for payment of pensions file with the Commissioner a copy of the order of appointment certified to by the County Clerk. The Commissioner of pensions shall in time for the next succeeding day on which pensions are to be paid furnish to said administrator a voucher for the amount due the pensioner at time of death, which shall be filled out and returned to said Commissioner and filed by him with the Auditor, who shall issue his warrant as other pension warrants are issued payable to said administrator who shall pay the proceeds thereof to the widow of the deceased soldier or sailor. In case the pensioner left no widow, or was a widow, the administrator shall use the pension money toward defraying the expenses of last illness and burial of the pensioner, and if there shall be any more than necessary to pay these expenses, he shall distribute the same as required by law of other funds belonging to the estate of the deceased.

§ 8. That no claim shall arise by death or otherwise against the State before a pension has been allowed the applicant. That should a pension be granted on the application

of a person who had died after the application was filed and before the pension was granted, no claim shall thereby be created against the State.

§ 9. That no person shall be entitled to the benefits of this Act who is able to earn a support by manual labor; or

Who is able to earn a support by reason of his or her knowledge, art, or skill, in any profession, trade or craft; or

Who receives a pension from the United States or any State or foreign government, or any other source; or

Who removes from this State or is absent therefrom for a period of three months; or

Who possesses property of the value of two thousand five hundred dollars; or

Who possesses an income to the amount of three hundred dollars a year, or an income equivalent to three hundred dollars a year; or

Who is living with his wife who possesses property in fee simple or life interest of the value of twenty-five hundred dollars, or an income of three hundred dollars per year; or

Whose support is suitably provided for and secured by reason of a contract or agreement with a person able to provide such support; or

Who by reason of combined partial ability to earn a support and income and property, or any and all of these combined is able to obtain an income equivalent to $300.00 a year.

§ 10. The Commissioner of pensions shall prescribe such regulations governing the filing, prosecuting, adjudicating, and payment of pension claims as may be necessary for carrying out the provisions of this Act.

§ 11. Applications for pensions shall be made in duplicate under oath, substantially in form as prescribed by the Commissioner of Pensions, and shall be attested by two reputable witnesses as to the identity of the applicant. The application shall be filed in the County Court of the county where the claimant resides on or before any regular term of said court and lay over until a subsequent regular term when

the judge thereof shall hear testimony in open court as to the applicant's citizenship, residence, and means of support. The County Attorney shall be present and represent the Commonwealth and may produce evidence concerning any facts relative to the claim. The judge of said court shall make a finding of facts as shown by the evidence and forward the same with a brief memorandum of the testimony of each witness heard with his name and post office address, together with his own recommendation upon the merits of the claim and a copy of the application to the Commissioner of Pensions. The duplicate application shall remain on file in the County Clerk's office. The hearing on the application may be continued from time to time upon the motion of the claimant, but shall not be continued more than once over the objection of the claimant.

§ 12. The findings and recommendation of the County Judge shall not be final or conclusive upon any of the issues, but the Commissioner may call upon the applicant for additional evidence covering any facts necessary to support the claim. When the claimant shall have furnished all the evidence called for by the Commissioner or declared his inability to furnish any additional evidence the claim shall then be passed upon by the Commissioner.

§ 13. Any person who shall wilfully and corruptly swear to an application for pension, or who shall make a wilful and false statement, under oath, in support of the application of another person, shall be deemed guilty of perjury, and upon conviction shall be punished as provided by the laws of this State for that offense.

§ 14. Upon receipt of an application for pension properly executed the Commissioner of Pensions shall cause the claimant's military record to be examined and a report thereon shall be filed with the application.

§ 15. When a pension shall have been allowed, the Commissioner shall issue to the applicant a pension certificate, showing that he, or she, is entitled to a pension at the

rate of ten ($10.00) dollars a month from the date of filing the application in said Commissioner's office. Payments shall be made on said certificate four times in each year; on the 11th day of February, May, August and November, upon the proper execution of a voucher by the pensioner before an officer authorized to administer oaths and having a seal. The voucher shall be furnished to the pensioner by the Commissioner and returned to him after being properly executed. The Commissioner shall then prepare the pension roll for the semi-annually payment, with the post office address and the amount due each pensioner, and file the same together with the vouchers with the Auditor. The Auditor shall then issue his warrants upon the Treasurer for the respective sums and the Treasurer shall forward a treasury check to the address of each pensioner. In the event there is not sufficient funds in the hands of the Treasurer to justify the issuing of the pension checks thus provided for, the Auditor's warrants shall be stamped interest bearing by the Treasurer, at the rate of five per cent and mailed to the pensioner.

§ 16. No person shall charge or demand, or receive, more than $5.00 for his services as agent or attorney in prosecuting any claim for pension under this Act, and any person who shall violate the provisions of this Section shall be fined not less than $100.00 and not more than $300.00 for each offense.

§ 17. No pension granted under this Act while due or to become due to a pensioner shall be liable to attachment or levy or seizure by, or under, any legal or equitable process whatever, whether same remains with the State or in course of transmission to the pensioner entitled thereto.

§ 18. Once each year every pensioner under this Act shall furnish in addition to the usual voucher a certificate from the County Judge of the county where he, or she, resides, to the effect that the holder of the pension certificate is the identical person to whom the same was issued, and to the best of his knowledge or belief there has occurred no

changes in the financial condition which would render the pensioner ineligible to receive a pension.

§ 19. When, in the opinion of the State Board of Pensions, or the Commissioner of Pensions, any pension that may have been granted, or any claim for pension, should be specially investigated, it shall be the duty of the Commissioner to make such investigation as may be deemed necessary, and file a report, in writing, of the results thereof with the application. He shall have power to summons and swear witnesses to appear before him and give testimony in the county where the applicant or pensioner lives in making such investigation and shall be paid his actual expenses incurred in making such investigation out of the General Expenditure Fund of the State.

§ 20. The Commissioner of Pensions shall furnish to any Confederate soldier, or widow of Confederate soldier, or attorney for such soldier or widow, of this State, blank applications for pensions upon request for same.

§ 21. No official fee shall be charged by any officer of the State or any county of the State for services in connection with the prosecution or collection of any pension under this Act provided that this Section shall not apply to notaries public.

§ 22. The Commissioner of Pensions shall once every year make and publish a report showing the name, county, and post office address of each person who is receiving a pension under this Act and copies thereof shall be furnished to the County Judge, County Attorney, County Clerk, and Sheriff, of each county in the State.

§ 23. In cases where a pension has been granted, if the Commissioner or the State Pension Board finds that the pension was wrongfully granted, or that the pensioner has moved out of the State, or in any other way becomes no longer entitled thereto, they shall have authority to drop the said pensioner's name from the pension roll after first giving him, or her, as the case may be, thirty days' notice by registered

mail, thus giving the pensioner an opportunity to be heard or present any evidence they may desire to offer as to why his, or her, name shall not be dropped from the pension roll.

§ 24. In any case where a pensioner drawing a pension under this Act enters the State Confederate Home he shall not receive any pension for the period he shall remain there, but this Section shall not be construed to mean that after a person has been granted a pension he can spend a part of his time in the Home and receive the benefits thereof, and a part of his time out of the Home and receive the pension, but he must elect to remain permanently as an inmate of the Home or permanently out of it.

§ 25. There being many old and needy veterans, and widows of veterans, of the Confederate army now in need of the aid offered by this bill, there is declared to be an emergency, and for this reason this Act shall take effect and be in force from and after its passage and approval by the Governor.

Mr. Douglas offered the following amendment to said bill:

Amend S. B. 63 by adding to Sec. 6, after line 25, on page 6, the following words, to wit: "Any soldier who was compelled, at any time during the last six months of the war, to take the oath of allegiance to the United States Government, by sickness or starvation while in prison or by duress while out of prison, to save his life as he verily believed at the time he took such oath, such soldier shall not be adjudged a deserter, but he shall have the same right to a pension as if he had been honorably discharged or as if he had taken such oath of allegiance at the close of the war."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution, were as follows:

Those who voted in the affirmative were—

Jas. W. Barrall	John F. Fryer	C. B. Nichols
Henry C. Blades	Frank C. Greene	S. Mazyck O'Brien
Joseph Boitnott	Elwood Hamilton	John A. Polin
Elmer L. Brown	V. D. Hammond	Dr. T. J. Poteet
C. W. Burton	H. H. Harrington	J. D. Pumphrey
Glover H. Cary	J. B. Harvey	Richard Radcliffe
Ed. F. Cecil	Dr. S. L. Henry	Dr. W. R. Ray
J. G. Coke, Jr.	D. H. Hillman	Stanley F. Reed
Benj. L. Cox	J. M. Johnson	W. E. Rogers
Geo. T. Davis	John A. Judy	L. M. Smith
James R. Dorman	Griffin Kelly	Adam Spahn
John W. Douglas	John H. Klette	W. T. Stott
John Drescher	William J. Kuh	W. A. Shawler
H. C. Duffy	Dr.J.N.M'Cormack	James T. Webb
John C. Duffy	T. T. Mobley	John F. White
G. P. Durrett	Harry J. Meyers	Roy S. Wilson
Thomas J. Evans	Zach. L. Myers	
Ed. Frost	John E. Newman	—52

Those who voted in the negative were—

Harry Avery	J. J. Huff	J. R. Mount
M. J. Farris, Jr.	R.B.Hutchcraft,Jr.	Lyman J. Parrigin
W. N. Flippin	T. R. Jones	S. H. Rogers
Vert C. Fraser	J. C. Lay	B. T. Rountree
C. M. Gum	Simon B. Lott	M. O. Wilson
W. L. Hampton	C. R. Luker	Douglas G. Wood
H. H. Hays	W. T. McNally	
W. E. Henninger	John G. Miller, Jr.	—22

Resolved, That the title thereof be as aforesaid.

Mr. Douglas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

And then the House recessed until 7:30 p. m.

EVENING SESSION.

At 7:30 the House reconvened.

The House took up for consideration from the calendar bills of the following titles:

S. Res. 9. Resolution to ascertain if State has title in fee simple to all land owned by it.

S. B. 52. An Act to prevent the sending, exhibiting posting or circulating of letters, circulars, posters, written or printed in pamphlet form or otherwise, false accusations against another person, and prescribing the punishment for the same.

S. B. 118. An Act to amend Section 882 in Chapter 32, Kentucky Statutes, for the purpose of giving to the owners of memberships in such religious, charitable and educational corporations, societies and associations as are composed of members (in lieu of stockholders) the right to amend the charter or articles of incorporation thereof.

S. B. 360. An Act to establish a restaurant in the State Capitol for the benefit of the General Assembly and the public.

S. B. 315. An Act to establish a budget system for State officers, departments and institutions.

S. B. 11. An Act to create a workmen's compensation fund and to provide a method of compensation for employees who may be injured or the dependents of those killed in the course of their employment from said fund, to be raised and paid into the hands of the State Treasurer, as herein provided, and to define and fix the rights of employees and employers and to define the defenses that may be made by employers in action for damages arising from death or personal injury of their employees and to provide a method of raising said fund, and to create a board of commissioners to administer said fund and to define the rights, powers and duties of said board of commissioners.

S. B. 31. An Act to provide a deputy or clerk for the coroner of counties in the Commonwealth having a population of two hundred thousand or over.

S. B. 153. An Act to amend Section 3290 in Sub-division 2 of Article 4, Chapter 89, Kentucky Statutes, and providing for the oiling of streets in cities of the third class.

By Mr. J. T. Webb, of the Committee on Judiciary:

S. B. 68. An Act creating the office of District Detectice to the Commonwealth Attorney in all counties having two divisions of the Circuit Court.

S. B. 54. An Act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges and State farms.

S. B. 307. An Act requiring each county to have a depository for public funds and providing the method of selecting such depository.

S. B. 340. An Act to amend Sec. 656, Chap. 32, Art. IV, Sub-div. II, Kentucky Statutes, relating to life insurance.

S. B. 246. An Act to amend Section 965 of Sub-division 1 of Article 2 of Chapter 35 of the Kentucky Statutes (Carroll's Edition, 1909), and the amendment to said Act which became a law March 14th, 1912, in so far as said section and amendment applies to the holding of Circuit Courts in the counties of Lee, Estill, Breathitt and Wolfe in the twenty-third Judicial District.

S. B. 7. An Act to amend and re-enact Section 4023 of the Kentucky Statutes, Carroll's Edition, 1909, relating to revenue and taxation.

S. B. 326. An Act to repeal and re-enact Section 3076 of the Kentucky Statutes, relating to the power to grant licenses and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

S. B. 267. An Act to amend Section one of an Act entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class, approved July 1, 1893,' approved March 21, 1906," and being Section 2833, Kentucky Statutes, Carroll's Edition, 1909.

S. B. 238. An Act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were severally read the second time by their titles.

Ordered that said bill be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 215. An Act to repeal an act entitled "An Act to amend the charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and is Chapter 1069 of the session of 1867 and amended March 25, 1898, and is Chapter 62 of the Session Act of 1898.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That so much of an act entitled "An Act to amend the charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and is Chapter 1069 of the session acts of 1867 and amended March 25, 1898, and is chapter 62, of the session act of 1898.

§ 2. That all acts granting the said Twelve Mile Turnpike Company the right to collect the fare or toll for crossing the said company's Four Mile Creek Bridge, situated on the Twelve Mile Turnpike in Campbell county, Kentucky, are hereby repealed.

Mr. Judy moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Jas. W. Barrall	J. M. Johnson	Richard Radcliffe
Henry C. Blades	T. R. Jones	Dr. W. R. Ray
Joseph Boitnott	John A. Judy	Stanley F. Reed
Elmer L. Brown	Griffin Kelly	S. H. Rogers
A. T. Bryson	John H. Klette	B. T. Rountree
Ed. F. Cecil	William J. Kuh	S. M. Saufley
J. G. Coke, Jr.	J. C. Lay	A. W. Sharp
Benj. L. Cox	Simon B. Lott	W. A. Shawler
James R. Dorman	C. R. Luker	L. M. Smith
John W. Douglas	Geo. M. McDowell	Ed. D. Stone
William Duffy	W. T. McNally	W. T. Stott
G. P. Durrett	T. T. Mobley	N. C. Tilford
M. J. Farris, Jr.	J. R. Mount	M. S. Walton, Jr.
Frank C. Greene	Harry J. Meyers	James T. Webb
C. M. Gum	S. Mazyck O'Brien	W. M. Webb
E. V. Hall	A. W. Palmer	John F. White
W. L. Hampton	Lyman J. Parrigin	J. D. Wills
V. D. Hammond	Lilburn Phelps	M. O. Wilson
H. H. Hays	William A. Perry	Douglas G. Wood
Dr. S. L. Henry	John A. Polin	
J. J. Huff	W. A. Price	—64

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 91. An Act to regulate the labor and employment of children and minors and to make the provisions thereof effective.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That an Act entitled, "An Act to Regulate Child Labor and to make the provisions thereof effective," approved March 18, 1908 (which Act constiutes Section 331-A, of the Kentucky Statutes of 1909), and an Act entitled, "An Act to amend an Act entitled 'An Act to regulate Child Labor and to make provisions thereof effective, approved March 18, 1908, approved March 25, 1910, be and the same are hereby repealed; and the following sections are hereby enacted in lieu thereof, and shall constitute Section 331-A of the Kentucky Statutes:

§ 331-A: 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theatre, motion picture establishment, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session. Nor shall any child under fourteen years of age be permitted to perform in or appear upon the stage of any theatre, motion picture establishment or other place of public amusement, whether for pay or not.

§ 2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theater, motion picture establishment, or in the distribution or transmission of merchandise or messages, unless the person, firm or corpora-

tion employing him procures from the local school authorities and keeps on file and accessible to the truant officers and to the labor inspectors, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be returned by the employed to the officer by whom it was issued, within two days of the termination of the employment of such child. A labor inspector may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this Act, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact sixteen years of age or over, or shall cease to employ, or permit, or suffer such child to work therein. A labor inspector may require from such employer the same evidence of age of such child as is required for the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the labor inspector within ten days after such demand, such evidence of the age therein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed.

§ 3. Employment certificates shall be issued only by the superintendent of schools or by a person authorized by him in writing, acting in his name. Where there is no local Superintendent of Schools, they shall be issued by the County

Superintendent of Schools, or by a person so authorized by him.

§ 4. The person authorized to issue employment certificates shall not issue such certificates until the child in question accompanied by its parent or guardian, has personally made application to him therefor, and until he has received, examined, approved and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided hereinbelow. (2) A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births; or a passport, or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child; or, in case the officer authorized to issue the certificate is satisfied that none of such proofs of age be produced, other evidence of age, such as a duly attested school census, or school enrollment record, or affidavit of the parent, guardian or custodian of such child, such as shall convince such officer that the child is fourteen years of age or upwards. (3) The written statement of the person, firm or corporation in whose service the child is about to enter, that he intends to employ the child, which statement shall give the nature of the occupation for which the child is to be employed. (4) A certificate signed by a physician appointed by the school board, or other public medical officer, stating that such child has been examined by him and, in his opinion, has reached the normal development of a child of its age and is in sufficiently sound health and physically able to be employed in the work which it intends to do. The Superintendent of Schools in any city, town, county or district, wherever there is one, and where there is none, then the County Superintendent shall between the first and tenth days of each month, transmit to the office of the labor inspector a report, which report shall give (1) the name of each child to whom a certificate has been issued in the preceding month, together with the name and address of the establish-

ment where such child was to be employed; and (2) the name of each child to whom a certificate has been denied in the preceding month, together with the ground of such denial. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the labor inspector, shall constitute a misdemeanor punishable by a fine of not more than twenty-five dollars nor less than five dollars, to be disposed of as provided in the section of this Act numbered sixteen.

§ 5. The school record herein required shall be signed by the principal or chief teacher of the school which such child has last attended and shall be furnished, on demand, to a child who, after due examination and investigation, is found to be entitled thereto. It shall contain a statement certifying that the child has regularly attended a public school or school equivalent thereto, or parochial school, for not less than one hundred days, either during the twelve months previous to arriving at the age of fourteen years or during the twelve months previous to applying for such school record, and is able to read intelligently and write legibly simple sentences in the English language, and has completed satisfactorily a course of study equivalent to the first five yearly grades in reading, spelling, writing, English language and geography, as established in the graded schools of this Commonwealth, and is familiar with the fundamental operations of arithmetic up to and including common fractions. Such school record shall also give the name, date of birth and residence of the child as shown by the records of the school and the name of its parent, guardian or custodian: Provided, however, that upon the filing with the person authorized to issue employment certificates, of the affidavit of the applicant or of his or her parent, guardian or custodian showing that diligent effort has been made to obtain the school record hereby required, and that it cannot be obtained, then the person authorized to issue the certificate may issue such certificate without having received such school record,

if the other requirements for such certificate have been fulfilled, but it shall be his duty in such case, to examine the applicant as to his or her proficiency in each of the studies mentioned in this section, and he shall issue such certificate only after such applicant has shown that he or she has acquired a knowledge of said studies equivalent to that imparted by a course therein covering the first five yearly school grades; in such case the employment certificate shall show that such examination was had in lieu of the filing of the school report.

§ 6. The printed form of certificate and other papers required in the issuing of employment certificates shall be drafted by the State Superintendent of Public Instruction and furnished by him to the local and county superintendents of schools.

§ 7. No person under the age of sixteen years shall be employed or suffered or permitted to work in, about or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theatre, motion picture establishment, or in the distribution or transmission of merchandise or messages, for more than six days in any one week, nor more than forty-eight hours in any one week, nor more than eight hours in any one day; nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening of any day; the presence of such child in any such establishment during working hours shall be prima facie evidence of its employment therein. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end.

The printed form of such notice shall be furnished by the State Labor Inspector, and the employment of any such

minor for longer time in any day than so stated shall be deemed a violation of this section.

§ 8. Truant officers may visit mines, factories, mills, workshops, mercantile establishments, stores, offices, printing establishments, bakeries, laundries, restaurants, hotels, apartment houses, theatres, and motion picture establishments, in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this Act, and they shall report any cases of such illegal employment to the Superintendent of Schools and to the Labor Inspector or other authorized officer of the State. Labor inspectors and truant officers may require that the employment certificate and lists, provided for in this Act, of minors employed in such establishments, shall be produced for their inspection. Complaints for offenses under this Act, except as to the employment of children in mines, shall be brought by the Labor Inspector. The provisions of this act with regard to the employment of children in mines shall be enforced by the State Inspector of Mines and his assistants, who shall bring all complaints for violation of the same.

§ 9. No child under the age of sixteen years shall be employed, permitted or suffered (1) to sew or to assist in sewing belts in any capacity whatever; (2) nor to adjust any belt to any machinery; (3) nor to oil, wipe or clean machinery; (4) nor to operate or to assist in operating any of the following named machines: (a) Circular or band saws; (b) wood shapers; (c) wood joiners; (d) planers; (e) sandpaper or wood polishing machinery; (f) emery or polishing wheels used for polishing sheet metals; (g) wood turning or boring machinery; (h) picker machines or machines used in picking wool, cotton, hair or other materials; (i) carding machines; (j) paper-lace machines; (k) leather burnishing machines; (l) job or cylinder printing presses operated by other than foot power; (m) boring or drill presses; (n) stamping machines used in sheet metal and tinware or in paper and leather manufacturing, or in washer and nut factories; (o) metal or

paper cutting machines; (p) corner staying machines in paper box factories; (q) corrugating rolls such as are used in corrugated paper, roofing or washboard factories; (r) steam boiler, steam machinery or other steam generating apparatus; (s) dough brakes or cracker machinery of any description; (u) rolling mill machinery; (v) power punches or shears; (w) washing, grinding or mixing machinery; (x) calendar rolls in paper and rubber manufacturing; or (y) lundering machinery; (5) nor work in proximity to any hazardous or unguarded belts, machinery or gearing; (6) nor to work upon any railroad whether steam, electric or hydraulic; (7) nor to operate or assist in operating any passenger or freight elevator; (8) nor to work in any capacity in processes in which dangerous or poisonous acids are used; (9) nor to work in any capacity in the manufacture or packing of paints, colors, or white or red lead; (10) nor to work at soldering; (11) nor to work in occupations causing dust in injurious quantities; (12) nor to work in the manufacture or use of dangerous or poisonous dyes; (13) nor to work in the manufacture or preparation of compositions with dangerous or poisonous gases; (14) nor to work in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (15) nor to work in any tunnel or excavation; (16) nor to work on scaffolding; (17) nor to work in any capacity in, about, or in connection with any mine, coke oven or quarry; (18) nor to work in assorting, manufacturturing, or packing tobacco; (19) nor to work in any cotton or hemp mill; (20) nor to operate any automobile, motor car or truck; (21) nor to work in any bowling alley; (22) nor to work in any pool or billiard room; (23) nor to work in any distillery, brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (24) nor to work in any hotel, theatre, concert hall, club, place of amusement, or any other establishment where intoxicating liquors are sold; (25) nor to work in any other occupation dangerous to the life or limb or injurious to the health

or morals of such child, and as to these matters the decision of the county physician or city health officer, as the case may be, shall be final;

Provided, however, that nothing in this Act shall prevent the use of suitable machinery for purposes of instruction in schools where the mechanical arts are taught in connection with, and as part of the usual school curriculum. But the use of such machinery in any school, whether public or private, shall be subject to the approval of the Board of Education or other governing school authority of the city or district wherein such school is situated, and shall be subject to the provisions of this Act as to supplying safeguards for the protection of those using such machinery.

§ 10. It shall be the duty of the owner of any manufacturing establishment where any person under twenty-one years of age is employed, his agents, superintendents or other persons in charge of same, to furnish and supply, when practicable or cause to be furnished and supplied to him, belt shifters, or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearings, beltings, set screws and machinery of every description which is palpably dangerous, shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any such appliances or machinery, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while it is in motion.

§ 11. In cities of the first, second or third class, no person under the age of twenty-one years shall be employed, permitted or suffered to work as a messenger for any telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before six

o'clock in the morning or after nine o'clock in the evening of any day.

§ 12. No female under twenty-one years of age shall be employed, permitted or suffered to work in any capacity in this Commonwealth, where such work compels her to remain standing constantly.

§ 13. The walls and ceiling of each room in every manufacturing establishment where minors are employed, shall be lime washed or painted when, in the poinion of the labor inspector, it shall be conductive to the health or cleanliness of the persons working therein.

§ 14. A copy of this Act shall be conspicuously posted and kept in each workroom of every mill, mine, workshop, theatre, bowling alley, laundry or public messenger company, and manufacturing, mercantile or printing establishment in this Commonwealth.

§ 15. No boy under fourteen years of age, nor girl under eighteen years of age shall be employed, permitted or suffered to work at any time in any city of the first, second or third class in or in connection with the street occupations of peddling, boot-blacking, the distribution or sale of newspapers, magazines, periodicals or circulars nor in any other occupation pursued in any street or public place. No boy between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any city of the first, second, or third class in or in connection with the street occupations of peddling, boot-blacking, the distribution or sale of magazines, periodicals or circulars, nor in any other occupation pursued in any street or public place except upon the following conditions:

(A) Boys between fourteen and sixteen years of age shall, upon application to the school authorities, as in the case of an employment certificate, and upon compliance with all of the requirements for the issuance of an employment certificate, be entitled to receive from the officer authorized to issue employment certificates a badge, which shall author-

ize the recipient to engage in the trades or occupations above mentioned between the hours of six o'clock A. M. and eight P. M. of each day, but at no other time. Such badge shall be displayed conspicuously by the recipient while so engaged and shall be renewed annually on the first day of January. The color of all such badges issued in the same calendar year shall be the same and said color shall be changed each year upon renewal.

(B) Boys between fourteen and sixteen years of age who comply with all the requirements for the issuance of an employment certificate except the educational requirement (that is, the filing of a school record or the passing of an examination in lieu thereof), shall be entitled to receive from the officer authorized to issue employment certificates a badge which shall authorize the recipient to engage in the above mentioned trades or occupations at such time or times between six A. M. and eight P. M. in each day that the public schools of the city or district where such boy resides are not in session, but at no other time. All such badges issued in the same calendar year shall be of the same color; but in either form, design, or color shall be so different from the badges issued to boys who comply with the educational requirements above mentioned, as to be readily distinguishable therefrom. Such badges shall be renewed annually upon the first of January, and their color shall be changed each year upon renewal.

Any child who shall engage in any such street occupation in violation of any of the provisions of this section shall be deemed delinquent, and shall be brought before any court or magistrate having jurisdiction over juvenile delinquents, and shall be dealt with according to law. The labor inspectors, truant officers, police officers and juvenile court probation officers shall enforce the provisions of this section. Whoever furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this section, or

who shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this section, or from the officer issuing the badge required as aforesaid, that said minor is unlicensed to sell such article, shall be punished by a fine of not less than fifteen dollars nor more than one hundred dollars for each offense.

§ 16. Whoever employs or suffers or permits a child under sixteen years of age to work, and any parent, guardian, or any adult person under whose care or control a child under such age is, who suffers or permits such child to work, in violation of any of the provisions of this Act, shall be punished for the first offense by a fine of not less than fifteen dollars nor more than fifty dollars; for a second offense, by a fine of not less than fifteen dollars nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third or any subsequent offense, by a fine of not less than two hundred dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment. Whoever continues to employ any child in violation of any of the provisions of this Act after having been notified thereof in writing by a truant officer, a labor inspector or other authorized officer, shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or labor inspector any employment certificate or list required by this Act, shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of Section numbered 2 of this Act shall be fined ten dollars. Every person authorized to sign the certificates prescribed by the Sections of this Act numbered 2, 3 and 4, who knowingly certified to any false statement therein shall be fined not more than fifty dollars, nor less than ten dollars.

Any person, firm or corporation who hinders or delays any labor inspector, truant officer or any other officer charged with the enforcement of any of the provisions of this Act, in the performance of his or her duties, shall be punished by a fine of not less than fifteen, nor more than one hundred dollars. Every fine imposed under this law shall inure to the benefit of the public schools in the city, county, town or district in which the violation may have occurred; and the court imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools.

§ 17. Employment certificates issued and outstanding at the time this Act goes into effect shall continue to be valid and effective as to all employments not absolutely prohibited by this Act to children between fourteen and sixteen years of age.

§ 2. All laws inconsistent herewith are hereby repealed.

§ 3. If any section of this bill shall be held to be unconstitutional in whole or in part, the fact shall not affect any other section of the Act; it being the intention of the General Assembly in enacting this bill to enact each section separately.

Mr. Shawler offered the following amendment to said bill:

Section 11, in line 2, strike out the words "twenty-one" and in lieu thereof insert the word "eighteen."

In line 5, strike out the word "six" and insert in lieu thereof the word "five."

In line 5, strike out the word "nine" and insert in lieu thereof the word "ten," thus making the section as amended read as follows:

Section 11. In cities of the first, second or third class, no person under the age of eighteen years shall be employed, permitted or suffered to work as a messenger for any telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Said amendment was disagreed to.

Mr. Polin offered the following amendment to said bill:

Amend S. B. 91. Section 12, line 1, by striking out the word "twenty-one" and insert in lieu thereof the word "eighteen."

Said amendment was disagreed to.

Mr. Polin offered the following amendment to said bill.

Amend S. B. 91 by striking from Section 15, line 1, the words "fourteen" and insert in lieu thereof the word "ten" and in line 6 strike out the word "fourteen" and insert in lieu thereof the word "ten."

Said amendment was disagreed to.

Mr. Klette offered the following amendment to said bill:

Amend by striking out all of Section 15 and the subsections thereto.

Said amendment was disagreed to.

Mr. McCormack moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Jas. W. Barrall	H. H. Hays	Lilburn Phelps
J. M. Billeter	W. E. Henninger	William A. Perry
Henry C. Blades	D. H. Hillman	Dr. T. J. Poteet
Elmer L. Brown	J. J. Huff	W. A. Price
A. T. Bryson	R.B.Hutchcraft,Jr.	Stanley F. Reed
Glover H. Cary	J. M. Johnson	S. H. Rogers
Ed. F. Cecil	T. R. Jones	W. E. Rogers
J. G. Coke, Jr.	John A. Judy	B. T. Rountree
Geo. T. Davis	William J. Kuh	S. M. Saufley
James R. Dorman	J. C. Lay	A. W. Sharp
John Drescher	Simon B. Lott	L. M. Smith
John C. Duffy	C. R. Luker	Adam Spahn
William Duffy	Dr.J.N.M'Cormack	Ed. D. Stone
Odie Duncan	Geo. M. McDowell	Louis Tieman
Thomas J. Evans	John McDyer	N. C. Tilford
W. N. Flippin	W. T. McNally	M. S. Walton, Jr.
Vert C. Fraser	John G. Miller, Jr.	James T. Webb
Ed. Frost	T. T. Mobley	W. M. Webb
Frank C. Greene	J. R. Mount	John F. White
E. V. Hall	Harry J. Meyers	J. D. Wills
Elwood Hamilton	John E. Newman	M. O. Wilson
W. L. Hampton	S. Mazyck O'Brien	Roy S. Wilson
V. D. Hammond	A. W. Palmer	Douglas G. Wood
J. B. Harvey	Lyman J. Parrigin	—72

Those who voted in the negative were—

Joseph Boitnott	C. M. Gum	Dr. W. R. Ray
Benj. L. Cox	Dr. S. L. Henry	W. A. Shawler
John W. Douglas	Griffin Kelly	W. T. Stott
H. C. Duffy	J. D. Pumphrey	
M. J. Farris, Jr.	Richard Radcliffe	—13

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed bills originating in the House, of the following titles, viz.:

H. B. 196. An Act to create and establish a system of public State roads and to provide for the construction and maintenance thereof.

H. B. 440. An Act to amend an Act entitled "An Act to incorporate the Kentucky Confederate Home, and providing for the maintenance thereof," approved March 27, 1902, amended March 26, 1904, March 21, 1906, March 19, 1910 and March 18, 1912.

H. B. 279. An Act fixing the amount of the bonds of the wardens of the Kentucky penitentiary at Eddyville and of the Kentucky Reformatory at Frankfort, Kentucky, and of the deputy wardens thereof.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 94. An Act to further regulate the admission of inmates to the House of Reform.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No child under the age of ten years shall be sentenced to or confined in the School of Reform, or any State penal institution.

§ 2. When any child over ten years of age and under sixteen years of age shall be sentenced to, and confined in, the House of Reform, the expense of conveying said child to the House of Reform shall be paid by the county from which sent, and said county shall pay for the maintenance of such child $100 annually, which sum shall be payable into the State Treasury in monthly installments at the end of each month. It shall be the duty of the County Judge on the last day of each month, by written order to direct the Treasurer of the county, or the person acting as Treasurer, to forward to the Auditor of Public Accounts the amount due under the provisions of this Act. If any county shall make default in payment of any sum due under the provisions of this Act, the Auditor may institute suit against such county for the recovery of the amount due in the Franklin Circuit Court. The provisions of this section shall not apply when the child so sentenced has been indicted upon a felony charge.

3. All laws and parts of laws in conflict with this Act are hereby repealed.

Mr. Reed moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Elwood Hamilton	William A. Perry
Jas. W. Barrall	W. L. Hampton	John A. Polin
J. M. Billeter	V. D. Hammond	Dr. T. J. Poteet
Henry C. Blades	J. B. Harvey	W. A. Price
Joseph Boitnott	H. H. Hays	Richard Radcliffe
Elmer L. Brown	W. E. Henninger	Dr. W. R. Ray
A. T. Bryson	Dr. S. L. Henry	Stanley F. Reed
Glover H. Cary	D. H. Hillman	S. H. Rogers
Ed. F. Cecil	J. J. Huff	W. E. Rogers
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	S. M. Saufley
Benj. L. Cox	T. R. Jones	A. W. Sharp
Geo. T. Davis	Griffin Kelly	W. A. Shawler
James R. Dorman	William J. Kuh	Adam Spahn
John Drescher	Simon B. Lott	Ed. D. Stone
H. C. Duffy	C. R. Luker	W. T. Stott
John C. Duffy	Dr.J.N.M'Cormack	N. C. Tilford
William Duffy	Geo. M. McDowell	M. S. Walton, Jr.
G. P. Durrett	John McDyer	James T. Webb
M. J. Farris, Jr.	J. R. Mount	W. M. Webb
Vert C. Fraser	Harry J. Meyers	John F. White
Ed. Frost	John E. Newman	J. D. Wills
C. M. Gum	S. Mazyck O'Brien	M. O. Wilson
E. V. Hall	A. W. Palmer	Douglas G. Wood

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There voted in the negative—

Lilburn Phelps —1

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 15. An Act to secure the registration of plumbers and supervision and inspection of plumbing and drainage in cities of the first and second class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person now or hereafter engaging in or working at the business of plumbing in cities of the first or second class of this Commonwealth, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing any plumbing fixtures or material, shall first receive a certificate in accordance with the provisions of this Act.

§ 2. That within ninety days after this act becomes a law, and thereafter, all persons engaged in or working at the business of plumbing in this State, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing plumbing fixtures or material, shall make application to the Board of Examiners hereinafter provided for, and shall at such time and place as the board may designate, be required to pass such examination as to his qualification and competency as a plumber, as the board may prescribe. The examination shall be of such a character as to thoroughly test the applicant's ability both practically and theoretically.

§ 3. There shall be in every city of the first and second class in this State, a board of examiners of plumbers consisting of four members, two of whom shall be master plumbers and two journeyman plumbers. Said board shall be appointed by the mayor and approved by the general council, or by the board of trustees of said city, within ninety days after the passage of this law, for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the

treasury of said city the same as other officers in such sums as the authorities may designate, but in no case shall the salaries or fees of the aforesaid board exceed fifty per cent of the fees collected for examinations as hereinafter provided for. No person shall be eligible as member of this board who has not served a regular apprenticeship and worked as a practical journeyman for a period of five years or more.

§ 4. All members of such board shall be citizens and actual residents of the cities in which they act.

§ 5. The Board of Examiners of Plumbers shall within twenty days after their appointment, meet and shall then designate the time and place of the examintion of all applicants for plumbers' certificates within their respective jurisdiction. Said board shall examine all applicants as to their knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to work at the business of plumbing, and to place and install plumbing fixtures and material, and it shall be unlawful for any person to work in the capacity of a journeyman plumber or to install plumbing fixtures or material unless he shall have first obtained a certificate of competency. The board shall keep and preserve a record of all persons examined by them and to whom a certificate of qualification has been issued. All certificates of qualification issued under the provisions of this Act must be renewed by the holders thereof every five years and said holder of a certificate must be actually engaged in the business of plumbing at the time of making application for renewal of certificate but upon renewal no examination shall be required. For each certificate or renewal of a certificate the board shall collect five dollars, to be paid into the treasury of the city in which said board acts.

§ 6. The board constituted as above set forth shall be further charged with the duty and vested with the power to formulate a code of rules regulating the work of plumbing

and drainage in the city for which the board is appointed and serves; said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The board may from time to time add to, amend or alter such rules.

After the board as aforesaid has prepared its code of rules or any amendment or alteration thereof, the same shall be communicated to the general council or board of trustees of the city in which the said board is appointed and acts, and within ninety days after the same has been submitted to said general council or board of trustees, that body shall by proper action either accept said rules and regulations and incorporate them as part of the municipal law, or by proper resolution expressly reject, as a whole or in part, the recommendations as made by the board. In the event the general council or board of trustees rejects the code of rules or any part thereof as reported by the board of plumbing examiners as herein provided, then the general council or board of trustees of the city must adopt other rules and regulations prescribing the material, construction and repairs and installation of all plumbing, sewerage and drainage placed in or in connection with any building in said city or town.

§ 7. The use of all unsafe and defective material in the work of plumbing and drainage is prohibited, and only the best known methods of installing all materials and fixtures, including supply pipes, waste, ventilation, soil pipe and sewerage shall be employed. It shall be unlawful to use in the work aforesaid extra light lead pipes, bends and traps, and all combination lead and iron or combination lead and brass ferules, bends or traps; but there shall be employed only the best known methods of jointing lead or iron pipes by the use of heavy cast brass ferrules properly wiped with solder to lead.

§ 8. In all cities of the first and second class there shall be appointed by the mayor of the same, one chief plumbing inspector and such number of deputy inspectors as the gen-

eral council or board of trustees of said city may designate, said city plumbing inspector and deputy inspector shall be appointed by the mayor, and approved by the general council or board of trustees of said city within ninety days after the passage of this law for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city at such salary as the authorities may designate. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the examining board and shall take part in the proceedings whenever said board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the general council or board of trustees. Said inspector shall also have the deciding voice and vote in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said board are unable to agree. No person shall be eligible to the office of plumbing inspector unless he have at least ten years' practical experience in the business of plumbing, and he shall not be connected in any way with any firm or incorporation directly or indirectly engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he acts.

§ 9. The plumbing and drainage of all buildings, both public and private, shall be executed in accordance with the provisions of this act and the rules and regulations adopted by the city or board as herein provided; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

§ 10. The plumbing department of every city of the first or second class in this State, consisting of the examining

board, the chief inspector and his deputies shall be under the supervision of the board of health of said city, and the chief inspector shall make a complete report of this department to said board of health at the end of each year.

§ 11. By the term of plumbing as in this act used is included all work of every character connected with the installation or repair of any plumbing fixture or material connected with the drainage of buildings or property; likewsie all work requiring connections with street sewers or water mains or with plumbing ventilation.

§ 12. Any person, firm or corporation violating any of the provisions of this act, or any rule or regulation established or prescribed under the authority herein designated, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars or more than fifty dollars for each and every violation thereof; and in addition the certificate of all persons involved in such violation may be revoked by the board as hereinbefore provided.

§ 13. All Acts and parts of Acts inconsistent with the provisions herein contained are declared to be repealed.

§ 14. The operations of this Act shall apply only to cities of the first and second class.

§ 15. Nothing in this act shall be construed as involving or affecting any plumbing now installed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	J. B. Harvey	A. W. Palmer
J. M. Billeter	H. H. Hays	Lyman J. Parrigin
Henry C. Blades	W. E. Henninger	Lilburn Phelps
Joseph Boitnott	Dr. S. L. Henry	William A. Perry
Elmer L. Brown	D. H. Hillman	Dr. T. J. Poteet
A. T. Bryson	J. J. Huff	W. A. Price
Glover H. Cary	R.B.Hutchcraft,Jr.	Dr. W. R. Ray
Ed. F. Cecil	J. M. Johnson	Stanley F. Reed
Benj. L. Cox	T. R. Jones	S. H. Rogers
Geo. T. Davis	Griffin Kelly	B. T. Rountree
James R. Dorman	William J. Kuh	S. M. Saufley
John Drescher	Simon B. Lott	A. W. Sharp
John C. Duffy	C. R. Luker	Adam Spahn
William Duffy	Dr.J.N.M'Cormack	Ed. D. Stone
G. P. Durrett	Geo. M. McDowell	W. T. Stott
Vert C. Fraser	John McDyer	N. C. Tilford
Frank C. Greene	W. T. McNally	M. S. Walton, Jr.
C. M. Gum	J. R. Mount	James T. Webb
E. V. Hall	Harry J. Meyers	W. M. Webb
Elwood Hamilton	John E. Newman	J. D. Wills
W. L. Hampton	S. Mazyck O'Brien	Douglas G. Wood

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Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 199. An Act relating to the sale and use of tobacco and cigarettes and providing punishment for violation thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, or give away, or

furnish, or cause to be given away or furnished to any person under the age of twenty-one years, any cigarette, or cigarette paper, or any other paper prepared to be filled with smoking tobacco for cigarette use, and it shall be unlawful for any person, firm or corporation to sell, offer, give away or furnish, or cause to be given away, or furnished, to any person under the age of sixteen years any cigar, pipe or tobacco in any form.

§ 2. That it shall be unlawful for any person under the age of twenty-one years to smoke, or to have about his person, or premises, any cigarette or cigarette paper or any other form prepared to be filled with smoking tobacco for cigarette use. Any person violating the provisions of this section shall be punished by a fine of not exceeding five dollars; Provided, That the court of justice trying the case may remit the penalty for violation of this section, upon the disclosure by the person charged with the offense of the name of the person, firm or corporation from whom he obtained any such cigarette or cigarette paper.

§ 3. That it shall be the duty of every constable, policeman, town marshal, sheriff or his deputy when he finds any person under the age of twenty-one years smoking a cigarette, or with a cigarette or cigarette paper in his possession, to immediately inquire of such person where and of whom he obtained such cigarette or cigarette paper, and upon failure of any person to give such information when requested by such officer, the officer shall arrest such person and take him before a justice or other officer having jurisdiction, to be dealt with as provided in Section two of this act. Upon information of such person to said office of the violation of any of the provisions of Sections one and two of this chapter, he shall immediately report such information to the prosecuting attorney of the county, who shall have the person giving such information, along with any other witnesses having any knowledge of the transaction, summoned before the grand jury at its next session for investigation.

Any officer failing to perform the duties required of him by this section shall be fined not exceeding five dollars for each offense. Justices of the peace and police judges are hereby given concurrent jurisdiction with the circuit and criminal courts of this State of offenses under this chapter.

§ 4. Every person who shall smoke or use a cigarette or cigarettes in any school building or any buildings or such parts thereof as may be used for school purposes, or upon school grounds while children are assembled there for lawful purposes, shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by a fine of not less than one nor more than five dollars.

§ 5. Any person, firm or corporation, violating any of the provisions of this act, where punishment is not otherwise provided, shall be liable to a fine of not less than ten dollars nor more than twenty-five dollars for the first offense, and for each subsequent offense shall be liable for a fine of not less than twenty-five dollars nor more than three hundred dollars, and on failure to pay the fine and costs of prosecution, shall be required to work the same out on the public roads.

§ 6. All acts and parts of acts inconsistent with this act, are hereby repealed.

Mr. McCormack moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	E. V. Hall	A. W. Palmer
Jas. W. Barrall	W. L. Hampton	Lyman J. Parrigin
J. M. Billeter	V. D. Hammond	Lilburn Phelps
Henry C. Blades	J. B. Harvey	William A. Perry
Joseph Boitnott	H. H. Hays	Dr. T. J. Poteet
A. T. Bryson	W. E. Henninger	Richard Radcliffe
Glover H. Cary	D. H. Hillman	Dr. W. R. Ray
Ed. F. Cecil	J. J. Huff	Stanley F. Reed
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	S. H. Rogers
Benj. L. Cox	J. M. Johnson	B. T. Rountree
John Drescher	T. R. Jones	S. M. Saufley
John C. Duffy	Griffin Kelly	A. W. Sharp
William Duffy	J. C. Lay	Ed. D. Stone
Odie Duncan	Simon B. Lott	W. T. Stott
G. P. Durrett	C. R. Luker	M. S. Walton, Jr.
M. J. Farris, Jr.	Dr.J.N.M'Cormack	James T. Webb
W. N. Flippin	John McDyer	W. M. Webb
Vert C. Fraser	W. T. McNally	John F. White
Ed. Frost	T. T. Mobley	J. D. Wills
Frank C. Greene	J. R. Mount	M. O. Wilson
C. M. Gum	Harry J. Meyers	Douglas G. Wood

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Those who voted in the negative were—

Elmer L. Brown	S. Mazyck O'Brien	J. D. Pumphrey
H. C. Duffy	John A. Polin	W. A. Shawler
William J. Kuh		

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Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 179. An Act to amend Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in the investigation of fires in this Commonwealth including the pay of assistants to the Fire Marshal," which was approved by the Governor of the Commonwealth of Kentucky on March 11, 1912, and is now Chapter 18 of the Acts of 1912, be amended by adding to said Section 2 of said Act the following words:

"The Fire Marshal shall make regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, gun powder, dynamite, crude petroleum or any of its products, explosive or inflammable fluids or compounds, tablets, torpedoes, or any explosives of a like nature, or any other explosives, including fireworks and fire crackers, and may prescribe the materials and construction of receptacles and buildings to be used for any of the said purposes. The Fire Marshal, his deputies or assistants, upon the complaint

of any person or whenever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such buildings, he or they shall order the same to be remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any deputy or assistant to the Fire Marshal, such owner or occupant may, within twenty-four hours, appeal to the State Fire Marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or decision of the Fire Marshal. Provided, however, that any such owner or occupant, who feels himself aggrieved by any such order, or affirmed order, may, within five days after the making or affirming of any such order by the Fire Marshal, file his petition with the county court of the proper county, praying a review of such order, and it shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require, and such decision shall be subject to appeal.

Such parties so appealing to the county court shall file with said court within two days a bond in an amount to be fixed by the court, in no case less than one hundred dollars, with at least two sufficient sureties, to be approved by the court, conditioned to pay all the costs on such appeal in case such appellant fails to sustain his appeal or the same be dismissed for any cause.

If any person fail to comply with the order of any offi-

cer under this section, or with the order as modified on appeals herein provided, and within the time fixed, then such officer is hereby empowered and authorized to cause such building or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied, as the case may be, at the expense of such person, and if such person, within thirty days thereafter, fail, neglect or refuse to pay said officer the expense thereby incurred by him, such officer and those employed to do the work shall have a prior lien on the real estate on which said building was located for said expense.

"Any owner or occupant failing to comply with such order within thirty days after said appeal shall have been determined, or, if no appeal is taken, then within thirty days after the service of the said order, or within the time fixed in said order, shall be liable to a penalty of not less than ten dollars nor more than fifty dollars for each day's neglect thereafter. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises, or by mailing such copy to the occupant's last known postoffice address; whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known postoffice address.

"The penalty herein provided may be recovered in an action brought in any court of the county where such property is located, in the name of the Commonwealth, under the direction of the Fire Marshal or any of his deputies or assistants herein designated, by the Commonwealth or county

attorney of the county where such property is located or by an attorney specially designated therefor by the Attorney General.

"It shall be the duty of the Fire Marshal, his deputies and assistants, to require teachers of public and private schools and educational institutions to have one fire-drill each month; to keep all doors and exits unlocked during school hours; and to teach at least one lesson each week during the school session upon the subject of fire prevention."

So that said section of said Act when so amended shall read as follows:

"It shall be the duty of the Insurance Commissioner, Fire Marshal and his assistants to examine or cause examination to be made into the cause, circumstances and origin of all fires occurring within the State to which his attention has been called, and to any conditions that would be likely to cause fire, in accordance with the provisions of said Section 1 of this Act, or by interested parties, by which property is or is likely to be accidentally or unlawfully burned, destroyed or damaged, whenever, in his judgment, the evidence is sufficient, and to investigate all cases whether the fire or the condition was or is the result of carelessness or the act of an incendiary. The said Insurance Commissioner, Fire Marshal or his assistants may fully investigate all circumstances surrounding said fire or conditions, and when, in his opinion, said proceedings are necessary, take, or cause to be taken, the testimony on oath of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if any party be under suspicion or charged with the crime of arson, he may be represented in person or by an attorney at the examination of any and all witnesses, and if the officer making the examination shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or other wilful burning, he shall cause

such person to be arrested and charged with such offense, prosecuted and bound over to the Circuit Court; and the county attorney of the county in which the fire occurred shall attend and assist in the examination of witnesses when requested by the officer making the examination, and shall receive for his services $10.00 in each case investigated, where he is present, attends the investigation and examines the witnesses, to be paid out of the fire tax fund as other moneys are paid from said fund. All evidence taken, with names of the witnesses and all information obtained by the officer making the examination, including copy of all pertinent and material testimony taken in the case, shall be furnished to the Commonwealth's attorney of the district in which said investigation is made.

The Fire Marshal shall make regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, gun powder, dynamite, crude petroleum or any of its products, explosive or inflammable fluids or compounds, tablets, torpedoes, or any explosives of a like nature, or any other explosives, including fireworks and fire crackers, and may prescribe the materials and construction of receptacles and buildings to be used for any of the said purposes. The Fire Marshal, his deputies or assistants, upon the complaint of any person, or whenever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such buildings, he or they shall order the same to be remedied, and such order shall forthwith be complied with by the owner or occupant of such

premises or buildings. If such order is made by any deputy or assistant to the Fire Marshal, such owner or occupant may, within twenty-four hours, appeal to the State Fire Marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or decision of the Fire Marshal. Provided, however, that any such owner or occupant, who feels himself aggrieved by any such order, or affirmed order, may, within five days after the making or affirming or any such order by the Fire Marshal, file his petition with the county court of the proper county, praying a review of such order, and it shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require, and such decision shall be subject to appeal.

"Such parties so appealing to the county court shall file with said court within two days a bond in an amount to be fixed by the court, in no case less than one hundred dollars, with at least two sufficient sureties, to be approved by the court, conditioned to pay all the costs on such appeal in case such appellant fails to sustain his appeal or the same be dismissed for any cause.

"If any person fail to comply with the order of any officer under this section, or with the order as modified on appeals herein provided, and within the time fixed, then such officer is hereby empowered and authorized to cause such building or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied as the case may be, at the expense of such person, and if such person, within thirty days thereafter, fail, neglect, or refuse to pay said officer the expense thereby incurred by him, such officer and those employed to do the work shall have a prior lien on the real estate on which said building was located for said expense.

"Any owner or occupant failing to comply with such

order within thirty days after said appeal shall have been determined, or, if no appeal is taken, then within thirty days after the service of the said order or within the time fixed in said order be liable to a penalty of not less than ten dollars nor more than fifty dollars for each day's neglect thereafter. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises, or by mailing such copy to the occupant's last known postoffice address; whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known postoffice address.

The penalty herein provided may be recovered in an action brought in any court of the county where such property is located, in the name of the Commonwealth, under the direction of the Fire Marshal or any of his deputies or assistants herein designated, by the Commonwealth or county attorney of the county where such property is located, or by an attorney specially designated therefor by the Attorney General.

"It shall be the duty of the Fire Marshal, his deputies and assistants, to require teachers of public and private schools and educational institutions to have one fire-drill each month; to keep all doors and exits unlocked during school hours; and to teach at least one lesson each week during the school session upon the subject of fire prevention."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jas. W. Barrall	Frank C. Greene	T. T. Mobley
J. M. Billeter	C. M. Gum	Harry J. Meyers
Henry C. Blades	Elwood Hamilton	John E. Newman
Joseph Boitnott	W. L. Hampton	S. Mazyck O'Brien
Elmer L. Brown	V. D. Hammond	A. W. Palmer
A. T. Bryson	J. B. Harvey	William A. Perry
Glover H. Cary	H. H. Hays	John A. Polin
Ed. F. Cecil	R.B.Hutchcraft,Jr.	Dr. T. J. Poteet
Geo. T. Davis	J. M. Johnson	Richard Radcliffe
James R. Dorman	T. R. Jones	Stanley F. Reed
John Drescher	Griffin Kelly	S. M. Saufley
John C. Duffy	William J. Kuh	Adam Spahn
William Duffy	Simon B. Lott	W. T. Stott
Odie Duncan	C. R. Luker	M. S. Walton, Jr.
G. P. Durrett	Dr.J.N.M'Cormack	W. M. Webb
Thomas J. Evans	Geo. M. McDowell	John F. White
M. J. Farris, Jr.	W. T. McNally	M. O. Wilson
Ed. Frost	John G. Miller, Jr.	Roy S. Wilson

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Those who voted in the negative were—

Benj. L. Cox	D. H. Hillman	S. H. Rogers
H. C. Duffy	J. C. Lay	Ed. D. Stone
W. N. Flippin	J. R. Mount	James T. Webb
Vert C. Fraser	Lilburn Phelps	J. D. Wills
W. E. Henninger	Dr. W. R. Ray	Douglas G. Wood

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Resolved, That the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 76. An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a National Forest Reserve in said State.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas, it is proposed that the Federal Government establish in the high mountain regions of Kentucky and adjacent States a national forest reserve, which will perpetuate these forests and forever preserve the headwaters of many important streams, and which will thus prove of great and permanent benefit to the people of this State; and, whereas, a bill has been introduced in the Federal Congress providing for the purchase of such lands for said purpose, the General Assembly of Kentucky do enact:

§ 1. That the consent of the State of Kentucky be, and is hereby, given to the acquisition by the United States, by purchase or gift, or by condemnation according to the law, of such lands in the mountain region of Kentucky as in the opinion of the Federal Government may be needed to the establishment of such a national forest reserve in that region: Provided, That the State shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such criminal process as may issue under the authority of the State against any

person charged with the commission of any crime without or within said jurisdiction, may be executed in like manner as if this Act had not been passed: And provided, That in all condemnation proceedings the rights of the Federal Government shall be limited to the specific objects set forth by the laws of the United States in regard to forest reserves.

§ 2. That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition as hereinbefore provided, for incorporation in said national forest reserves, of such mountain lands lying in Kentucky as in the opinion of the Federal Government may be needed for this purpose.

§ 3. Power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations, of both civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the management, control, and protection of such land as may be, from time to time, acquired by the United States under the provisions of this Act.

§ 4. That all laws and parts of laws in conflict herewith are hereby repealed.

Mr. Reed moved to extend the session indefinitely.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Frank C. Greene	S. Mazyck O'Brien
Jas. W. Barrall	Elwood Hamilton	Lilburn Phelps
J. M. Billeter	W. L. Hampton	William A. Perry
Henry C. Blades	J. B. Harvey	John A. Polin
Joseph Boitnott	H. H. Hays	W. A. Price
A. T. Bryson	J. J. Huff	Richard Radcliffe
Glover H. Cary	R.B.Hutchcraft,Jr.	Stanley F. Reed
Ed. F. Cecil	J. M. Johnson	S. M. Saufley
Benj. L. Cox	T. R. Jones	Adam Spahn
James R. Dorman	Griffin Kelly	W. T. Stott
John Drescher	William J. Kuh	N. C. Tilford
John C. Duffy	Simon B. Lott	M. S. Walton, Jr.
William Duffy	C. R. Luker	James T. Webb
G. P. Durrett	Dr.J.N.M'Cormack	John F. White
Thomas J. Evans	John McDyer	Roy S. Wilson
M. J. Farris, Jr.	W. T. McNally	
Ed. Frost	John E. Newman	—49

Those who voted in the negative were—

H. C. Duffy	C. M. Gum	J. D. Pumphrey
W. N. Flippin	D. H. Hillman	S. H. Rogers

—6

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 148. An Act concerning illiteracy in the State of Kentucky and to provide for the creation of a commission to be known as "The Kentucky Illiteracy Commission," and to provide for the duties and powers thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a commission to be known as "The Kentucky Illiteracy Commission," which shall be composed of five persons, both men and women, including the Superintendent of Public Instruction, who shall be ex-officio a member thereof. Said commissioners shall be appointed by the Governor of the Commonwealth and shall be selected for their fitness, ability and experience in matters educational and their acquaintance with the conditions of adult illiteracy in the State of Kentucky and its various communities. Two of said commissioners shall hold office for two years and two for four years from the date of their first appointment by the Governor; after which, all of said commissioners shall hold for a period of four years, but the term of two of them shall expire biennially. Any and all vacancies occurring in said commission shall be filled for the unexpired term by the Governor. Said commissioners, or any of them, may be removed at any time for cause.

§ 2. The members of said commission and their successors in office shall be and are hereby constituted a body corporate with all the powers necessary to carry into effect all the purposes of this act. Said commissioners, after their appointment and qualification, shall adopt a seal and organize by electing from their membership a president, secretary and treasurer to serve for the period of two years, or until their successors are elected and qualified, but the same person may be elected to serve both as secretary and treasurer of the commission, but said secretary and treasurer, whether or not the office be united in one person, shall execute a bond to the Commonwealth of Kentucky for the faithful performance of the trusts of their offices, for the proper handling and accounting of all the properties, assets and monies which may come into their hands by virtue of their office, and in such amount and in such form and with securities as the commission shall approve. Said secretary or treasurer may at

any time be removed and a successor be appointed by commission in its discretion.

§ 3. Said commission may establish a permanent place for its meetings and shall in such place have an office which shall be kept open at such regular times as the commission may prescribe for the transaction of its business, and a majority of said commission shall constitute a quorum.

§ 4. It shall be the duty of said commission, and it shall have the power to make research, collect data and statistics, and procure surveys of any and all communities, districts or vicinities of the State looking to the obtaining of a more detailed, definite and particular knowledge as to the true conditions of the State with regard to its adult illiteracy, and report regularly the results of its labors to the General Assembly; and to interest persons and institutions in the dispensation of any and all funds and endowments of whatsoever kind which will or may aid in the elimination of the adult illiteracy of the State, and to do or perform any other act which in their discretion will contribute to the elimination of the State's adult illiteracy by means of education, instruction and enlightenment; and said commission shall be empowered to receive, accept, hold, own, distribute and expend to the end of educating, instructing, enlightening and assisting in the education, instruction and enlightenment of illiterate persons in the State of Kentucky, any and all funds or any other thing of value, with which it may be endowed or may otherwise receive, and in the expenditure and disbursement thereof, said commission shall be controlled by such expedient and discreet regulations as it may from time to time adopt; provided, however, that any and all funds which may come to the hands of said commission shall be expended in keeping with the general purposes of this act.

§ 5. Said commission shall adopt such rules and regulations as may seem expedient to it for the carrying on of its business in the manner which shall seem to it most systematic and satisfactory.

§ 6. The members of this commission shall receive no compensation for their services, but they shall be reimbursed out of any funds which shall come into the hands of the commission for the use of said commission, for their actual expenses incurred in the performance of their duties, same to be paid monthly, upon vouchers duly approved by the commission, signed by the secretary and countersigned by the president.

Mr. McCormack moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	Vert C. Fraser	T. R. Jones
Henry C. Blades	Ed. Frost	John A. Judy
A. T. Bryson	Frank C. Greene	William J. Kuh
Ed. F. Cecil	Elwood Hamilton	C. R. Luker
J. G. Coke, Jr.	W. L. Hampton	John McDyer
Benj. L. Cox	J. B. Harvey	T. T. Mobley
James R. Dorman	H. H. Hays	J. R. Mount
John W. Douglas	Dr. S. L. Henry	John E. Newman
John Drescher	D. H. Hillman	S. Mazyck O'Brien
G. P. Durrett	J. J. Huff	A. W. Palmer
Thomas J. Evans	R.B.Hutchcraft,Jr.	Lilburn Phelps
M. J. Farris, Jr.	J. M. Johnson	William A. Perry

W. A. Price	Adam Spahn	John F. White
J. D. Pumphrey	Ed. D. Stone	M. O. Wilson
Richard Radcliffe	W. T. Stott	Roy S. Wilson
Stanley F. Reed	M. S. Walton, Jr.	Douglas G. Wood
S. M. Saufley	James T. Webb	—50

Those voting in the negative were—

C. M. Gum	Griffin Kelly	J. D. Wills

—3

Resolved, That the title thereof be as aforesaid.

Mr. ———— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 269. An Act relating to the liens of employes and materialmen in the real estate and other property of mines, railroads and other improvement companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2487, of the Kentucky Statutes, Carroll's Edition of 1899, be revised and re-enacted, so that said section when so revised, amended and re-enacted shall read as follows:

Railroads, Other Improvements and Manufacturers—Liens of Employes and Others on.

2487.—When the property or effects of any mine, rail-

road, turnpike, canal, other public improvement company, or of any owner or operator of any rolling mill, foundry or other manufacturing establishment, whether incorporated or not, shall be assigned for the benefit of creditor, shall come into the hands of any executor, administrator, commissioner, receiver of a court, trustee or assignee for the benefit of creditors, or shall in any wise come to be distributed among creditors, whether by operation of law or by the act of such company, owner or operator in such business, the employes of such owner or operator in such business, shall have a lien upon so much of such property and effects as may have been involved in such business and all the accessories connected therewith, including the interest of such company, owner or operator in the real estate used in carrying on such business, and the person who shall have furnished materials or supplies for carrying on or operating any railroad shall likewise have a lien upon the property of such company involved in such business and the accessories connected therewith, including the interest of such company in the real estate used in carrying on such business.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Henry C. Blades	Glover H. Cary	James R. Dorman
Joseph Boitnott	Benj. L. Cox	John W. Douglas
A. T. Bryson	Geo. T. Davis	H. C. Duffy

John C. Duffy	John A. Judy	W. A. Price
William Duffy	John H. Klette	Stanley F. Reed
G. P. Durrett	Simon B. Lott	S. M. Saufley
M. J. Farris, Jr.	C. R. Luker	Adam Spahn
Ed. Frost	Dr.J.N.M'Cormack	Ed. D. Stone
Frank C. Greene	W. T. McNally	W. T. Stott
Elwood Hamilton	Harry J. Meyers	Louis Tieman
V. D. Hammond	John E. Newman	M. S. Walton, Jr.
J. B. Harvey	S. Mazyck O'Brien	James T. Webb
R.B.Hutchcraft,Jr.	Lilburn Phelps	John F. White
J. M. Johnson	William A. Perry	Roy S. Wilson
T. R. Jones	John A. Polin	—44

Those voting in the negative were—

Ed. F. Cecil	H. H. Hays	J. R. Mount
Thomas J. Evans	W. E. Henninger	Dr. W. R. Ray
W. N. Flippin	Dr. S. L. Henry	J. D. Wills
Vert C. Fraser	D. H. Hillman	M. O. Wilson
C. M. Gum	Griffin Kelly	
W. L. Hampton	T. T. Mobley	—16

Resolved, that the title thereof be as aforesaid.

Mr. ———— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Phelps called up from the Clerk's desk, for consideration, a resolution of the following title:

S. Res. 12. Resolution to pay Mrs. Biggerstaff the per diem allowance of her deceased husband.

(For said resolution see House Journal February 11th.)

The following amendment was offered to said resolution:

Amend line two of joint resolution No. 12, by striking out the words "seven hundred," and inserting in lieu thereof the words "three hundred and fifty dollars."

Said amendment was agreed to.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

J. M. Billeter	**J. B. Harvey**	S. Mazyck O'Brien
Joseph Boitnott	H. H. Hays	A. W. Palmer
Elmer L. Brown	W. E. Henninger	Lilburn Phelps
A. T. Bryson	J. J. Huff	William A. Perry
Glover H. Cary	R.B.Hutchcraft,Jr.	John A. Polin
Ed. F. Cecil	John A. Judy	J. D. Pumphrey
J. G. Coke, Jr.	William J. Kuh	W. E. Rogers
Geo. T. Davis	J. C. Lay	B. T. Rountree
William Duffy	C. R. Luker	L. M. Smith
G. P. Durrett	Dr.J.N.M'Cormack	Adam Spahn
Ed. Frost	Geo. M. McDowell	Louis Tieman
C. M. Gum	W. T. McNally	James T. Webb
Elwood Hamilton	Harry J. Meyers	Roy S. Wilson
V. D. Hammond	John E. Newman	Douglas G. Wood

—42

Those voting in the negative were—

Harry Avery	Vert C. Fraser	J. R. Mount
Jas. W. Barrall	W. L. Hampton	Dr. T. J. Poteet
Benj. L. Cox	D. H. Hillman	Dr. W. R. Ray
John W. Douglas	T. R. Jones	S. M. Saufley
Thomas J. Evans	Griffin Kelly	Ed. D. Stone
M. J. Farris, Jr.	Simon B. Lott	J. D. Wills
W. N. Flippin	T. T. Mobley	M. O. Wilson

—21

And so said resolution not receiving a constitutional majority was rejected.

Mr. Phelps moved to reconsider the vote by which said resolution was rejected.

Said motion was agreed to.

A message was received from the Senate, announcing that they had concurred in House Amendments to S. B. 63 and 268.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 141. An Act fixing the jurisdiction of county judges and justices of the peace in criminal cases.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That County Judges and Justices of the Peace and Police Judges shall have jurisdiction exclusive of Circuit Courts in all penal cases, the punishment of which is limited to a fine not exceeding $20, and jurisdiction concurrent with Circuit Courts of all penal cases the punishment of which is limited to a fine not exceeding $100 or imprisonment not exceeding 50 days, or both. And County Judges shall have concurrent jurisdiction with Circuit Courts of all misdemeanors, the punishment of which exceeds a fine of $100 and imprisonment for 50 days: Provided, that the provisions of this Act shall not apply to counties having continuous sessions of Circuit Court.

All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	W. L. Hampton	John A. Polin
Jas. W. Barrall	V. D. Hammond	W. A. Price
Henry C. Blades	H. H. Hays	J. D. Pumphrey
Elmer L. Brown	D. H. Hillman	Richard Radcliffe
Glover H. Cary	R.B.Hutchcraft,Jr.	Dr. W. R. Ray
Ed. F. Cecil	J. M. Johnson	Stanley F. Reed
Benj. L. Cox	T. R. Jones	S. H. Rogers
Geo. T. Davis	John A. Judy	W. E. Rogers
James R. Dorman	Griffin Kelly	S. M. Saufley
John W. Douglas	John H. Klette	L. M. Smith
John C. Duffy	J. C. Lay	Adam Spahn
William Duffy	Simon B. Lott	Ed. D. Stone
Odie Duncan	C. R. Luker	W. T. Stott
G. P. Durrett	Dr.J.N.M'Cormack	Louis Tieman
Thomas J. Evans	W. T. McNally	M. S. Walton, Jr.
M. J. Farris, Jr.	John G. Miller, Jr.	James T. Webb
Ed. Frost	J. R. Mount	John F. White
C. M. Gum	John E. Newman	J. D. Wills
E. V. Hall	A. W. Palmer	Roy S. Wilson
Elwood Hamilton	William A. Perry	Douglas G. Wood

—60

Those voting in the negative were—

W. N. Flippin	W. E. Henninger	W. M. Webb
Vert C. Fraser	Lyman J. Parrigin	

—5

Resolved, That the title thereof be as aforesaid.

Mr. ———— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 321. An Act further regulating the operation of coal mines; to provide a more efficient supervision and regulation of such mines; to provide for the appointment of two additional assistant inspectors; to fix the salaries of the chief inspector and the assistant inspectors of mines; and to otherwise provide for greater protection to the lives and health of persons employed in and about the coal mines in this State.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Inspectors—Mine Inspections.

§ 1. The Office of Inspector of Mines, which has for its purpose the supervision and enforcement of the laws pertaining to the inspection of mines and the protection of mine property and other property used in connection therewith, is hereby designated as the "Department of Mines," and the title of the official provided for by existing law as "Inspector of Mines" shall be "Chief Inspector of Mines." Said Chief Inspector shall have full charge of said Department. He shall superintend and direct the inspection of mines as

herein provided, and he shall investigate the character and quality of air in coal mines when conditions indicate the necessity for so doing, collect statistics relating to coal mining in this State each year and make report of same, see that maps and plans of the mines are made and filed in his office according to the provisions of this Act, keep a record of all inspections made by himself and by the assistant inspectors, which shall be a permanent record properly indexed, and perform all other duties elsewhere in this Act assigned to him. The Chief Inspector shall receive an annual salary of eighteen hundred dollars, payable monthly, and he shall likewise be allowed and paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

The Chief Inspector shall have authority to divide the coal fields of the State, from time to time, into such number of inspection districts as may be necessary to accord with the number of assistant inspectors, in such manner as to equalize, as nearly as practicable, the work of each assistant inspector, and to assign each assistant inspector to his appropriate district. Whenever the Chief Inspector may deem it necessary, in the interest of efficient supervision of the mines, to temporarily employ the services of two or more assistant inspectors at the same time in one and the same district, or whenever he may deem it desirable in the interest of efficient inspection to temporarily change assistant inspectors from one district to another, he shall have authority to do so.

He shall furnish a certified copy of the report of inspection of any mine inspected by himself or by an assistant inspector to the Commonwealth's attorney of the district in which the mine is situated on application therefor, or at any time when he may deem it proper so to do, which copy shall be admissible in evidence in any court in this Commonwealth, and shall be prima facie evidence of the truth of the recitals therein contained.

He shall prepare and file his annual report for printing

within six months, and as much earlier as the final collection and compilation of statistics may permit, after the close of the calendar year; and in order that the statistical information given in the report may be reasonably comprehensive, in addition to the statistics now by law required to be reported monthly to the office of the Chief Inspector, each operator of a coal mine shall, at the close of the year, upon blanks to be furnished by the Chief Inspector furnish to said Chief Inspector a confidential report showing (a) the proportion of his output of coal for the calendar year that was sold for consumption locally as distinct from that which was shipped from the mine; (b) the amount of coal produced that was consumed at the mine for the production of steam, ventilation and other purposes; (3) the tonnage used in the production of coke in ovens controlled by the operator in the vicinity of the mine; and (d) the proportion of his tonnage that was mined by machine. All such information relating to the details of disposition or use of the output shall be held strictly confidential by the Chief Inspector as regards individual operations and published only in aggregate form under each appropriate heading indicated by the letters "a," "b," and "c," herein, for the respective districts in which the companies, firms, and individuals reporting are operating; but nothing in this Section shall be construed as prohibiting continuation of the publication of the total amount of coal produced by each operator, in the manner heretofore followed.

§ 2. Each assistant inspector of mines shall report in writing monthly to the Chief Inspector the number and condition of all mines inspected by him each month, and he shall deliver to the operator or superintendent of each mine inspected a statement in writing showing the inspection of such mine, and the condition thereof as found upon such inspection. He shall also, within sixty days after the close of each calendar year, file with the Chief Inspector of mines a report of his proceedings during said calendar year and giving such information concerning the mines and mining conditions in

his district as may be appropriate and required by the Chief Inspector. He shall visit each mine in his district at least once every four months, or oftener, if practicable to do so, and make a personal examination of the interior of each mine, as well as the outside of the mine where any danger to the workmen may exist. And he shall at all times in all things pertaining to the duties of his office be subject to the orders of the Chief Inspector.

Each assistant inspector shall receive an annual salary of fifteen hundred dollars, payable monthly and shall likewise be allowed and paid his necessary traveling and other expenses on account of and when engaged in the discharge of his official duties.

Before any person shall be appointed to the office of assistant inspector of mines, he shall be required to pass a satisfactory examination before the Board of Examiners hereinafter in this Act provided for, and shall be required to obtain from such Board of Examiners a certificate duly signed by the members thereof certifying to the Governor that the said applicant possesses the qualifications by this Act required.

§ 3. The Chief Inspector and assistant inspectors shall be provided with all necessary stationery and postage for the conduct of official correspondence as other State officers are supplied. The Chief Inspector shall be supplied with all printed blank forms, notices and other printed matter necessary for use in the performance of his official duties, upon his requisition therefor through the superintendent of public printing. There shall be provided for all inspectors such instruments, appliances, apparatus and chemical tests as are necessary for the proper discharge of his official duties, which shall be paid for on the order of the Chief Inspector approved by the Governor, and which shall belong to the State. The cost of repairs to such instruments and apparatus as may be necessary from time to time shall be paid for by the inspector having such repairs made, and be included in his ac-

counts and expenses incurred on account of official duties and paid as they are paid.

§ 4. The Chief Inspector and each assistant inspector shall have power to visit and inspect any mine to which this Act applies. He shall examine into the condition of such mine with respect to ventilation, drainage, timbering, and general security; and if, upon inspection, he finds that such ventilation, drainage, or timbering as the health or safety of the persons employed in the mine would require has not been provided, or should he find the mine insecure in any part, or should he find that sufficient and satisfactory means of ingress and egrees have not been provided, said Chief Inspector or ossistant inspector shall at once notify the operator and mine foreman of the mine, in writing, as to the unsafe or wholesome condition of such mine, and require the mine to be put in safe and wholesome condition, and such mine shall forthwith be rendered safe and healthful. For a failure to comply with the directions of the Chief Inspector or of the assistant inspector to render such mine safe, and to provide such ventilation as is sought to be secured by this law, and to provide safe and suitable means of ingress and egress as in this Act required, within twenty days from the date of notification, the operator or mine foreman, as the case may be, shall be liable to a fine of fifty dollars for each day such mine, if operated, shall be suffered to remain in such unsafe and unhealthful condition after the expiration of the twenty days above provided in which the required improvements should be made, which fine may be collected by warrant issued by any court or officer of competent jurisdiction upon complaint made by the Chief Inspector or assistant inspector, or by indictment by the grand jury of the county in which such mine is situate; but in cases in which the Chief Inspector or the assistant inspector, as the case may be, is satisfied, from personal investigation, that even though due diligence be observed, the required improvements can not be completed within the twenty days above provided he shall have

authority to extend the time for not more than forty days longer, according to his judgment as to the length of time that is required for the completion of the improvements, proper diligence being observed; but when the time is thus extended, the operator or mine foreman, as the case may be, who is delinquent, after the expiration of the additional time, shall be subject to fine as above provided; and as a cumulative remedy in case of failure of any operator to conform to the provisions of this law, after written notice from the assistant inspector or Chief Inspector, within the time provided by this Section, any Circuit Court, or Judge thereof in vacation, may, on application of the Chief Inspector, by civil action in the name of the State, enjoin or restrain, by writ of injunction the operator from working or operating such mine with more than five persons underground at one time until it is made to conform with the provisions of this Act; but before such writ of injunction shall issue, the operator shall have at least three days' notice of such contemplated action, and shall have the right to appear before such court, or the judge thereof in vacation, to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto. It shall be the duty of the Commonwealth's attorney of the district, and of the county attorney of the county, in which the mine lies, to prepare and prosecute proceedings upon said application.

ARTICLE II.

Definitions.

§ 1. For the purposes of this Act, the terms and definitions contained therein shall be as follows:

Mine.—In this Act the term "mine" includes the shafts, slopes, drafts, or inclined planes connected with excavations penetrating coal stratum or strata, which excavations are

ventilated by one general air current, or division thereof, and connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine.

The provisions of this Act shall not apply to any mine employing less than six persons inside the mine at one time.

Excavations and Workings.—The term "excavations and workings" includes all the excavated portions of a mine, those abandoned as well as the places actually being worked; also all underground workings and shafts, slopes, tunnels and other openings in the course of being sunk or driven, together with all roads, appliances, machinery, and material connected with the same below the surface.

Shaft.—The term "shaft" means a vertical opening through the strata that is or may be used for the purpose of ventilation or drainage, or for hoisting men or material, or both, in connection with the mining of coal.

Slope.—The term "slope" means an inclined opening used for the same purpose as a shaft.

Drift.—The term "drift" means an opening through the strata, on which opening the grades are such as to permit the coal to be hauled by mules or mechanical traction power, and which opening may be used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal.

Operator.—The term "operator" means any firm, corporation, or individual operating any coal mine, or any part thereof.

Superintendent.—The term "superintendent" means the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine Foreman.—The term "mine foreman" means the person whom the operator or superintendent shall place in charge of the workings of the mine and of the persons employed therein. He is required to be licensed or certificated, and is charged with the duty of preserving the safety and health of the persons employed in and about the mine.

Fire Boss.—The term "fire boss" means any person whom the operator or superintendent is required to employ in the event certain conditions with reference to explosive gas in this Act defined are found to exist in a mine. He is required to be licensed or certificated, and is charged with the duty of preserving the safety of the persons employed in such mine.

Assistant Inspector.—The term "assistant inspector" means a person commissioned by the Governor to assist in the inspection and supervision of the mines as herein prescribed.

Approved Safety Lamp.—The term "approved safety lamp" shall mean any bonneted safety lamp approved by the Department of Mines.

Gaseous Mine.—A "gaseous mine" is one in which the percentage of explosive gas exceeds three-fourths of one per cent at the return of any one split in a dusty mine, and exceeds one and three-fourths per cent at the return of any one split in a non-dusty mine.

Article III.

Maps and Plans.

§ 1. The operator or superintendent of every coal mine in this State to which this Act applies shall annually, within sixty days after the first day of January, make or cause to be made an accurate map or plan of the workings of such mine, on a scale of not more than one hundred feet to the inch, showing the area mined and the forms of the excavations up to the said first day of January, together with the location and connection of the lines of all adjoining lands within one thousand feet of said excavations, and the name or names of each owner or owners, so far as known, marked on each tract; a true copy of which map the said operator or superintendent shall deposit with the Chief Inspector of Mines within

seventy days after said first day of January, and another copy of which shall be kept at the office of such mine. But after the making and filing with said Chief Inspector of the map of the mine, as required herein, the operator or superintendent shall only be required to annually file with said Chief Inspector, within the time herein specified, such additional map and statement as may be necessary to truly show the progress of the workings, the amount and forms of excavations of said mine, and so much of the property lines as may be within one thousand feet of said excavations as extended, from the date of the preceding map or survey up to the first day of January as provided herein. The Chief Inspector shall annually, on or before the first day of January, give warning notice that said map is required.

If the operator or superintendent of any coal mine shall fail or neglect to furnish to the Chief Inspector any copy of the map or extension thereof as provided in this Article, the Chief Inspector is hereby authorized to cause a correct survey of any map or plan of said mine or the extensions above indicated to be made at the expense of the owner, lessee, or operator of such mine, the cost of which shall be recoverable from said owner, lessee, or operator as other debts are recoverable by law; and if at any time the Chief Inspector of mines shall have reason to believe that such map or plan, or the extension thereof, furnished in pursuance of this article is materially incorrect, such as will not serve the purpose for which it was intended, he may have survey and map or plan or the extension thereof made or corrected, and the expense of making such survey and map or plan or extension thereof under the direction of said Chief Inspector shall be paid by the owner, lessee, or operator of the mine, and the same may be collected as other debts are recoverable by law; but if the map, plan, or extension as furnished by the operator or superintendent shall be found to be correct, the expenses of said survey and drafting of map or plan shall be paid by the State. The correctness of each map or plan provided for by this

article shall be certified by the person making such map or plan and the Chief Inspector may reject any map as incomplete, the accuracy of which is not so attested. The Chief Inspector shall, upon the application of any owner, lessee, or operator thereof, make or cause to be made a duplicate of any map on file in his office of any mine owned, leased, or operated by the owner, lessee, or operator making such application, but the cost of making such duplicate shall be paid by the applicant therefor. In no case shall any copy of such map be made without the consent of such owner, lessee, or operator. Proper and safe means for preserving, filing and cataloguing the mine maps received by the Chief Inspector of Mines, such as suitable envelopes or other filing devices and index card files, shall be provided for the office of the Chief Inspector, which shall be paid for upon the order of said Inspector when approved by the Governor. After this Act shall have gone into effect, each operator of a coal mine, before making additional openings, and each operator preparing to open a new mine, shall furnish the Chief Inspector and the assistant inspector for the district in which the mine is located each a plan of the proposed openings and mine development.

§ 2. When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make, or cause to be made, a final survey of such mine, to show the entire worked out area at the time the mine was closed, and the results shall be duly extended on the map of the mine previously made and a copy thereof filed with the Chief Inspector of Mines.

Article IV.

Duties of Mine Superintendent—Mine Supplies.

§ 1. It shall be the duty of every superintendent, on behalf and at the expense of the operator, to keep on hand at or within convenient distance of each mine at all times a suffi-

cient quantity of all materials and supplies required to preserve the health and safety of the employes, as ordered by the mine foreman and required by this Act. If for any reason the superintendent cannot procure the necessary materials or supplies as aforesaid, he shall at once notify the mine foreman, whose duty it shall be to withdraw the men from the mine, or the portion thereof operated, until such materials or supplies are received. The superintendent shall, at least once every week, read, examine carefully, and countersign all reports entered in the mine record book of the mine foreman.

§ 2. The superintendent shall co-operate with the mine foreman and other officials in the fulfillment of their duties as required by this Act, and he shall direct that the mine foreman and all other employes under him comply with the law in all its provisions especially when his attention is called by the assistant inspector or Chief Inspector to any violation of the laws.

§ 3. The superintendent shall keep on hand at the mine a supply of the printed rules and notices and record books required by this Act, which record books shall be furnished through the assistant inspector of the district, or through the Chief Inspector, on request of the superintendent in writing. He shall see that said rules and notices and record books are delivered to the proper persons at the mine, and that they are properly cared for, and he shall also see that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept in such condition that they will always be legible.

§ 4. The operator or superintendent of every mine shall, within thirty days thereafter, send to the Chief Inspector of Mines notices of the following occurrences:

First—When a mine has been abandoned, or the working thereof discontinued.

Second—When any work has commenced for the purpose of opening a new mine.

Third—When the working of a mine is resumed after an abandonment or a discontinuance for a period exceeding two months.

Fourth—When any change occurs in the name of a mine, or in the name of the operator of a mine, under the provisions of this Act.

§ 5. The superintendent shall, once each month, on blank forms provided by the Chief Inspector for that purpose, report to the Chief Inspector all fatal and serious accidents that have occurred in and about the mine, giving age, nationality and occupation of the injured person, cause of accident, and such other information as may be required by the Chief Inspector. The occurrence of a fatal accident shall be reported to the assistant inspector for the district at once, and to the coroner of the county as soon as practicable.

§ 6. The superintendent or operator shall employ a sufficient number of fire-bosses or special examiners (when required by the assistant inspector of the district in which such mine is located), in order that such coal mine can be examined in accordance with the provisions of this Act.

Article V.

Mine Foreman and His Duties.

§ 1. In order to secure efficient management and proper ventilation of the mines, to promote the health and safety of the persons employed therein, and to protect and preserve the property connected therewith, the operator or superintendent shall employ a competent and practical mine foreman for every mine wherein fifteen or more persons are employed. The mine foreman shall have charge of all the inside workings and of the persons employed therein, in order that all the provisions of this Act so far as they relate to his duties shall be complied with, and the regulations prescribed for each class of workmen under his charge carried out in the strictest manner possible. In all gaseous mines as defined

in this Act the mine foreman must possess a mine foreman's certificate of the first class.

When the mine workings become so extensive that the mine foreman is unable personally to carry out the requirements of this Act pertaining to his duties, the operator or superintendent shall employ a sufficient number of persons to act as assistants to the mine foreman, who shall act under his instructions in carrying out the provisions of this Act.

In case of the temporary absence of the mine foreman for a period not exceeding fifteen days, the operator or superintendent may, for the time being, deputize the work of the mine foreman to an assistant mine foreman, who shall perform all the duties of the mine foreman.

§ 2. The mine foreman shall devote the whole of his time to his duties when the mine is in operation, and shall keep careful watch over the ventilating apparatus, the ventilation, airways, traveling ways, timbering, and drainage, and shall see that all stoppings along airways are properly built.

He shall see that proper break-throughs are made in the pillars of all rooms and of all entries, and that they are closed when necessary, so that the ventilating current can be conducted in sufficient quantity through the last break-through to within proper distance as required by this Act of the face of each room and entry, by means of curtains, brattices, check-doors, or other safe stoppings. He shall not permit any room or entry to be turned in advance of the ventilating current or in advance of the last break-through in the entry, excepting room necks, which may be turned by entrymen driving entries.

§ 3. The mine foreman shall measure the air current at least once every month at the inlet and outlet and at or near the faces of the advanced headings and shall keep a record of such measurements in a book to be furnished by the Chief Inspector of Mines. An anemometer shall be provided for this purpose by the operator of the mine.

§ 4. The mine foreman or an assistant shall visit and

examine every working place in the mine not less than twice each week while the mine is in operation, and shall direct and see that every working place is properly secured by props or timber, and shall see that no person is directed to work in an unsafe place unless it be for the purpose of making it safe. He shall also see that the workmen are provided with sufficient props, cap-pieces, and timbers of suitable size, which shall be delivered to the working place when ordered or selected by the workman, as specified in the mine rules in accordance with section five of this Article. He shall also see that props are cut or sawed as square as practicable at both ends, and as near as practicable to the proper length required or designated for the places where they are to be used.

§ 5. Every workman in need of props, cap-pieces, and timbers shall notify the mine foreman or an assistant mine foreman, or any other person delegated by the mine foreman, of the fact at least one day in advance, giving the number, size, and length of props, cap-pieces, and timbers required. In case of emergency, the timber may be ordered immediately upon discovery of danger. If for any reason the necessary timbers cannot be supplied when required, the workmen shall vacate the place until the timber needed is supplied.

The place and manner of selecting and ordering props, cap-pieces, and timbers shall be designated and specified in the Mine Rules.

§ 6. At shaft mines, the operator, superintendent, or mine foreman shall provide a refuge place or places for men coming out at the close of the day's work in such proximity to the bottom of the shaft, and of such size, as shall be approved by the Chief Inspector of Mines, or by the assistant inspector for the district in which the mine is situated. When leaving such refuge place or places to be hoisted out, the men shall be governed by the rules of the mine. On single-track haulage roads in mines, where haulage is done by machines, which roads the persons employed in the mine must use while performing their work or while

traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car,, and four feet wide and not more than sixty feet apart. On all haulage roads on which haulage is done by draft animals, whereon men are obliged to be in the performance of their duties or when passing on foot to and form their work, there shall be places of refuge not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart. Provided, however, this special refuge place shall not be required in haulways on which room necks or break-throughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulways in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the top of any haulage engine or any mine car, said clearance to be on the side of the haulway opposite that upon which electric wires are strung, in event any such wires be strung in the haulways. No person shall travel on foot to or from his work upon any slope used for haulage or upon any haulage road when other roads, in proper condition for travel are available.

In all mines in operation at the time this Act goes into effect the operator or superintendent shall have an additional period of six months in which to provide the refuge places required by this section.

§ 7. After this Act goes into effect it shall be the duty of the mine foreman or any assistant mine foreman of every coal mine to see that every person employed to work in such mine shall, before beginning to work therein, be advised as to danger incident to working therein.

The mine foreman or an assistant mine foreman shall give special care, oversight and attention to the men drawing pillars.

§ 8. The mine foreman shall see that every mine generating explosive gas is kept free of standing gas in all working places and roadways. Any accumulation of explosive gas

or noxious gas in the worked-out or abandoned portions of any mine shall be removed as soon as possible after its discovery, if it is practicable to remove it. No person who may be endangered by the presence of said explosive or noxious gases shall be allowed in that portion of the mine except with safety lamps, until said gases have been removed or so diluted with fresh air as to be rendered harmless. The mine foreman shall direct and see that all dangerous places and the entrance or entrances to worked-out and abandoned places in all mines are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon said fencing to warn persons of the existing danger.

§ 9. It shall be the duty of the operator, superintendent, or mine foreman to have bore-holes kept not less than twelve feet in advance of the face, and, where necessary, on the sides, if the working places that are being driven are in dangerous proximity to an abandoned mine, or part of mine, suspected of containing inflammable gases, or which are filled with water. If there be a map of such abandoned mine, or part of mine, said bore-holes shall be started when the working places shall have approached within fifty feet of such abandoned mine, or part of mine, but if there be no such map, then said bore-holes shall be started when the advancing working places are within one hundred feet of where said abandoned workings are supposed to be.

§ 10. The mine foreman shall each day enter and sign plainly in ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine, which report shall clearly state any danger that may come under his observation during the day, or any danger reported to him by his assistants or the fire-bosses. The report shall also state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the requirements of the law are complied with.

The mine foreman shall also, each day, read carefully,

and countersign with ink or indelible pencil, all reports entered into the record book of the fire-bosses.

§ 11. The operator or superintendent shall direct and see that safety blocks, or other device, are constructed for the purpose of preventing cars from falling into the shaft or slope, or running away on slopes and inclined planes; and safety switches, drop-logs, or other devices, shall be used on all slopes and inclined planes; and the mine foreman shall see that said safety blocks, safety switches, or other devices are maintained in good working order.

§ 12. It shall be the duty of the operator, superintendent, or mine foreman to see that locked safety lamps are used when and where required by this Act.

§ 13. It shall be the duty of the mine foreman to report immediately all violations of this Act to the operator or superintendent, who shall in turn report such violations to the assistant inspector for the dstrict in which the mine is situated.

§ 14. When assistant mine foremen are employed, their duty shall be to assist the mine foreman in complying with the provisions of this Act. In the temporary absence of the mine foreman they shall perform the duties of the mine foreman when deputized to do so in accordance with section one of this Article, and shall then while acting as mine foreman be liable to the same penalties as the mine foreman for any violation of this act.

§ 15. In a dry and dusty mine, the mine foreman shall direct and see that the rooms and entries are moistened by water or other efficient means as often as may be practicable in order to keep the dust in a damp condition; and he shall direct and see that the dust is loaded and taken out of the mine as often as practicable.

ARTICLE VI.

Fire Boss and His Duties.

§ 1. In all gaseous mines as defined in this Act the operator or superintendent shall employ a fire-boss or fire-

bosses, whose competency to act as such shall be evidenced by a certificate of qualification from the Board of Examiners as provided in Article XVI. of this Act. It shall be the duty of the fire-boss to examine carefully, before each shift enters the mine, every working place without exception, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings, and falls in the mine; but before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use no light other than that inclosed in an approved safety lamp. The examination shall begin within three hours prior to the appointed time for each shift to enter the mine. The fire-boss shall examine for all dangers in all portions of the mine under his charge, and after examination he shall leave at the face of every place examined the date of the examination, as evidence that he has performed his duty. He shall also examine the entrance or entrances to all worked out and abandoned portions adjacent to the roadways and working places under his charge, where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every working place and every other place where explosive gas is discovered or where immediate danger is found to exist from any other cause, and said signal shall be sufficient warning for persons not to enter.

§ 2. A suitable record book shall be kept at the mine office of every mine wherein fire-bosses are employed, and immediately after the examination of such mine or any portion thereof by a fire-boss, whose duty it is to make such examination, he shall enter in said book, with ink or indelible pencil, a record of such examination, and sign the same. This record shall show the time taken in making the examination, and also clearly state the nature and location of any danger that may have been discovered in any room or entry or other place in the mine. If any danger or dangers has or have been discovered, the fire-bosses shall immediately report the location thereof to the mine foreman, or in his absence to the as-

sistant mine foreman in charge who in turn shall report to the mine foreman. No person shall enter the mine until the fire-bosses return to the mine office, or to a station located in the intake entry of the mine (where a record book as provided for in this Section shall be kept and signed by the person making the examination), and report to the mine foreman or the assistant mine foreman, by telephone or otherwise, that the mine is in safe condition for the men to enter. When a station is located in any mine it shall be the duty of the fire-bosses to sign also the report entered in the record book in the mine office on the surface. The record books of the fire bosses shall at all times during working hours be accessible to the assistant inspector of mines and the employes of the mine.

§ 3. The mine foreman and the fire-boss shall at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors placed thereon. In every mine in which fire-bosses are required to be employed by this Act, when the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slope, a station of suitable dimensions may be elected by the mine foreman (provided the location is approved by the assistant inspector for the district) for the use of the fire-bosses. It shall not be lawful for any person, except the mine foreamn, and in case of necessity such other persons as may be designated by him, to pass beyond said station and danger signal until the mine has been examined by a fire-boss, as provided for in section one of this article, and the mine or certain portions thereof reported by him to be safe. The fire-boss shall not allow any other person or persons to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed in the ventilating current from any portion of the mine. He shall report any violation of this Section to the mine foreman at once.

§ 4. Any employe or other person, except those herein

above provided for, who passes any danger signal into the mine, or into any portion of the mine, or removes such danger signal before the mine has been examined and reported to be safe, or any employe or any other person who passes by any danger signal placed at the entrance to a working place, or any other place in the mine, or removes such danger signal, without permission from the mine foreman, the assistant mine foreman, or the fire-boss, shall be deemed guilty of a misdemeanor, and it shall be the duty of the mine foreman having knowledge of such violation (whether obtained personally or otherwise) to notify the operator or superintendent at once of such violation, who shall in turn notify the assistant inspector for the district, in writing, and the assistant inspector shall forthwith institute proceedings against such person or persons, as provided for in section two of article twenty-one of this Act. Any mine foreman who fails to notify the operator or superintendent forthwith of any violations of the provisions of this article that have been reported to him, or that have come under his personal observation, and any operator or superintendent who shall likewise fail to notify the assistant inspector of any such violations, shall be deemed guilty of a misdemeanor.

§ 5. Any fire-boss who neglects to comply fully with the provisions of this Article relating to his duties, or who shall make a false report of the condition of any place in the portion of the mine allotted to him for examination, shall be deemed guilty of a misdemeanor, and shall be suspended by the mine foreman, and his name shall be given to the assistant inspector of the district for prosecution. If he be found guilty, he shall return his certificate of qualification as fire-boss to the Department of Mines; Provided, however, that he may again be an applicant for a certificate as fire-boss at any regular examination after the expiration of six months, but if he be found guilty of a second offense he shall return his certificate to the department, and cannot be an applicant for re-examination.

§ 6. Nothing in this article shall prevent a mine foreman holding a certificate of the first class from acting a fire-boss, or a regularly employed fire-boss from acting in an emergency as a mine foreman holding such first-class certificate.

§ 7. In any mine that is not a gaseous mine as defined in this Act, but in which explosive gas can be detected by means of a safety lamp in some part or parts of the live workings or adjacent thereto, the operator or superintendent shall employ a competent person or special examiner whose duty shall be to make examination of such place or places with an approved safety lamp for the purpose of detecting any explosive standing gas therein. Such examination shall be made at a suitable hour each day that the mine runs, before the workmen are permitted to enter the mine or such section or sections thereof as require examination, and should such explosive gas be discovered the examiner shall make prompt report of its presence and location to the mine foreman or assistant foreman, and no person shall enter or be permitted to enter the place or places where said gas has been detected until it shall have been removed or so diluted with fresh air as to be harmless, except the mine foreman and such persons as he may select to make the place or places safe, and they while engaged in such work shall use no other light than that inclosed in an approved safety lamp. The procedure to be followed by said special examiner or competent person in making his examinations and the manner of reporting or recording the results thereof shall be in accordance with the mine rules. Nothing in this Section shall be construed as prohibiting said special examiner or competent person from performing such other duties as it may be practicable for him to undertake, provided that such other duties shall not conflict or interfere with the performance of his duty in making the examinations specified herein.

Before any person or special examiner shall be employed as above provided, his competency for such duty must be ap-

proved and certified to in writing by the assistant inspector of the district in which such mine is situated, or by the Chief Inspector of Mines.

ARTICLE VII.

Shafts, Slopes and Drifts.

§ 1. It shall not be lawful for the operator, superintendent, or mine foreman of any coal mine, whether worked by shaft, slope or drift wherein fifteen thousand square yards have been excavated, to employ or to permit more than ten persons to work therein in any one shift unless separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine be worked by shaft or slope, and separated by natural starta of not less than fifty feet in breadth if the mine be worked by drift—by which outlets distinct means of ingress and egress are readily available to persons employed in such mines; but it shall not be necessary for the two outlets to belong to the same mine.

The foregoing requirements shall not apply to the openings of a new entry of a mine that is being worked for the purpose of making connection between said two outlets so long as not more than twenty persons are employed at one time in making the connection or driving the second opening; nor shall said requirements apply to any mine in which the second opening has been rendered unavailable by reason of final robbing or removal of pillars so long as not more than twenty persons are so employed therein at one time.

In case any coal mine has but one shaft, slope, or drift for ingress and egress of the persons employed therein, and the owner thereof does not own suitable ground for another opening, such owner may select appropriate associate adjacent ground for that purpose and have the same condemned and appropriate the same by proceedings in the county court of the county where the mine is stuated, similar to proceedings now allowed for securing a private passway.

In every shaft used as an escape outlet there shall be provided a stairway or ladderway of suitable strength, design, and angle, which shall be provided with platforms or landings at each turn of the stairway or ladderway, the whole to be subject to the approval of the assistant inspector for the district, or the Chief Inspector; or in lieu of such stairway or ladderway there shall be provided a properly equipped hoisting arrangement, consisting of a cage suitable for hoisting men, a wire hoisting rope of ample strength, and an adequate and safe hoisting engine and drum, which arrangement shall be ready for use at any time of emergency. When the escape and air shafts are combined, the side or end used for an escape outlet and the part used for ventilating purposes shall be separated by a good, substantial, air-tight partition from top to bottom, so that the use of the escape shaft shall not in any way interfere with the ventilation of the mine. All shafts by which men enter or leave the mine and the passageways to escape outlets, shall be carefully examined by the mine foreman, or by a person designated by him, at least once each week that the mine may be operating, and the date and findings of such examination shall be entered in a book kept at the mine for that purpose. No debris, such as falls of slate and similar material, which shall act as an obstruction to the free passage of men, shall be allowed to accumulate in the passageway to the escape outlet, nor shall bodies of water difficult to pass, be allowed to accumulate there, nor shall the passageway be obstructed by mine cars or timbers. If obstructions of any sort to the free passage of men be found, such obstructions shall be promptly removed. At points where the passageway to the escape outlet is intersected by roadways or entries calculated to produce doubt as to the proper direction to the outlet, conspicuous signboards shall be placed indicating the direction it is necessary to take to reach the exit for escape.

§ 2. No operator or agent of any coal mine worked by shaft or slope shall place in charge of any engine, used for

lowering into or hoisting out of said mine persons employed therein, any but competent and sober engineers; and no engineer in charge of such machinery shall allow any person, except such as may be designated for that purpose by the operator or agent, to interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer in the discharge of his duties. In no case shall more than ten persons ride on any cage or car at one time, and no person shall ride on a loaded cage or car in any shaft or slope.

§ 3. At every mine operated by shaft, there shall be provided an approved safety catch, and a sufficient and substantial cover overhead on all cages used for lowering or hoisting persons, and at the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for the lowering or raising persons at all shafts or slopes, and an efficient indicator or dial shall be used in connection with the hoisting engine which will show the engineer the positions of the cages in the shaft at any time; and approved means for signaling to the bottom man, the top-man, and the engineer shall be provided; and all shafts used for lowering or hoisting men shall be equipped with metal tubes, pipes or telephones, through which conversation may be freely held between persons at the bottom and top landings. The hoisting rope, the safety-catches, and the cage attachment shall be examined by the mine foreman or some competent person designated by him every morning before the men descend into the mine; and care shall be taken to keep them in good working condition at all times. All persons are prohibited from riding on cages when coal or slate or similar material is being raised, and no person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the day's run, without first being authorized by the bottom-man or

cager to do so, said bottom-man or cager having first signaled to the engineer that men are to be raised. At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employes when passing from one side of the shaft to the other side shall use such passageway only. Whenever the hoisting or lowering of men occurs before daylight or after dark, and when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at such landing a light sufficient to show the landing and objects in immediate proximity thereto and as long as men are underground a good light shall be maintained at the bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

ARTICLE VIII.

Ventilation and Drainage.

§ 1. It shall be the duty of the operator or superintendent of every coal mine to which this Act applies to provide for such mine artificial means of producing ventilation, such as suction or forcing fans, exhaust steam, furnaces, or other contrivances, of such capacity and power as to produce an abundant supply of air. The operator or superintendent of every such mine, whether slope, shaft, or drift, shall provide and maintain for such mine an amount of ventilation of not less than one hundred cubic feet of air per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working place in the mine.

It shall be the duty of the mine foreman to see that no working place is driven more than sixty feet in advance of

a break-through or airway, except with the consent of the assistant inspector for the district; and that all break-throughs between entries, and when necessary between rooms, except those last made near the working face, are closed up and made air-tight, as far as practicable, by bratticcs, trap-doors, or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the excavations where the persons employed in the mine are at work; and where more than sixty persons are at work in the same continuous current, the Chief Inspector and the assistant inspector shall have authority to order that this ventilating current be so split or sub-divided as to give a separate current for separate groups of men at work in the mine whenever, in his judgment, conditions in any mine render such splitting of the current necessary. The mine foreman shall see that proper break-throughs are made in all pillars, at such distances apart as in the judgment of the assistant inspector for the district, approved by the Chief Inspector, may be deemed requisite for the purpose of ventilation, according to the thickness of the seam of coal being worked, but in no case shall they be more than ninety feet apart.

§ 2. Every ventilating fan at a gaseous mine shall be kept in operation continuously, day and night, unless operations are definitely suspended.

§ 3. The mine foreman shall see that the water is drained out of the working places before the men enter, and that the working places are kept as free from water as practicable during working hours; and the owners, lessees, or operators of all mines to which this Act applies shall see that the water so drained from such mines shall be drained as directly as practicable to the adjacent streams or water-courses by means of ditches, flumes, pipes, sewers or other adequate provisions.

ARTICLE IX.

Safety Lamps—When to be Used.

§ 1. At every coal mine to which this Act applies the operator shall provide and keep in condition for use not less than two approved safety lamps, and shall provide and keep as many more as may be required in writing by the Chief Inspector of Mines; Provided, however, that upon the written recommendation of the assistant and inspector for the district in which the mine is situated, or if, in the judgment of the Chief Inspector, it be proper to do so, any non-gaseous mine may be exempted from this provision by the Chief Inspector of Mines.

§ 2. All gaseous mines as defined by this Act shall be worked by the use of approved safety lamps provided with adequate locks or seals. The safety lamps used for examining any mine by an employe thereat or which may be used for working therein shall be provided by and be the property of the operator of the mine, and shall be in the custody of the mine foreman, or fire-boss or some competent person or persons designated by the mine foreman. Said person shall clean, fill, trim, examine, and deliver said lamps, locked or sealed, and in safe condition, to the men who may have to use them, when they enter the mine. He shall also receive the lamps from the men when they leave the mine. The persons to whom safety lamps are thus given shall be responsible for the condition and proper use of the lamps while in their possession and for their return to the custodian at the lamp station. No safety lamp shall be given to any person for use in a mine until said person shall have given evidence, satisfactory to the mine foreman or fire boss, that he understands the proper use thereof and the danger of tampering with the same. No person except one duly authorized by the mine foreman shall have in his possession in any part of the mine where locked or sealed safety lamps are used any matches or other means of producing fire, nor shall he have any lamp

key or other instrument usable for opening a locked safety lamp. Davy lamps shall not be used for any purposes in mines except for testing. Electric lamps that have been tested and approved by the Federal Bureau of Mines may be used instead of safety lamps in which oil is used, except for purposes of testing for explosive gas.

ARTICLE X.

Shot Firers.

§ 1. In all coal mines in this State in which as many as ten persons are usually employed at one time, wherein explosive gases are known to generate or exist in dangerous quantities, or coal dust is known to accumulate or exist in dangerous quantities, the operator or superintendent shall, when so ordered by the Chief Inspector of Mines, or by an assistant inspector of mines, when approved by the Chief Inspector, employ and keep a sufficient number of practical and experienced men to be known and designated as "shot-firers," whose duty shall be to charge, set off and discharge the shots in all blasting in the workings of the said mines; but the miner who has drilled the shot-hole may prepare the cartridge for the shot and leave same in a safe receptacle of a sort to be designated by the mine foreman, within convenient distance of the hole, for use by the shot-firer in charging the hole: Provided, however, that the shot-firer shall exercise discretion, care and judgment in the use of such cartridge. No shot-firer shall charge and fire any shot which in his judgment, after due inspection, has not been placed so as to insure a workmanlike and practical shot.

§ 2. Said shot-firers shall immediately after the completion of their work, post a notice in a conspicuous place at the mines in which shall be indicated the number of shots fired, also the number of shots they did not fire, if any, specifying the number of the room and the designation of the entry, and giving their reasons for not firing the same. The

operator or superintendent of said mines shall provide reasonable and proper means for posting said notice. Said shot-firers shall also keep a daily permanent record in a book, to be furnished them by said operator or superintendent, in which they shall enter the number of shots or blasts fired, the number of blasts or shots failing to explode, the number of "blow-out" shots, and the number of holes that, in their judgment, were not properly prepared or placed and which they refused to charge and fire, giving their reasons for the same. Said records shall be in the custody of the superintendent and shall be available for inspection at all reasonable times by parties interested, and shall be open for inspection by the Chief Inspector of Mines and by the assistant inspectors.

§ 3. Said shot-firers shall not do any blasting or exploding of shots or firing whatever until each and every miner and employe is out of the mine, except said shot-firers, mine superintendent, mine foreman or assistant mine foreman, and the person or persons necessarily present in charge of pumps and stables in said mine; and any person in said mine whose duty it is to go out of said mine before said firing, blasting, and exploding takes place under the provisions of this Act, who wilfully fails or refuses to go out of said mine as herein provided shall be fined in any sum not exceeding fifty dollars, in the discretion of the court or jury.

Article XI.

Electrical Installation.

The operator, superintendent, or mine foreman of a mine in which electricity is used shall observe the following in the application thereof:

§ 1. All trolley wire shall be securely supported upon hangers or other fixtures which will properly insulate said wires from the roof and other substances and placed at such intervals as to properly support the same.

§ 2. At such landings and partings as may be designated by the Chief Inspector or assistant inspector in writing where men are required to regularly work or pass under trolley or other bare power wires which are placed less than six and one-half feet above the top of the rail a suitable and efficient protection shall be provided.

§ 3. All other wires, except telephone, shot-firing and signal wires, shall be on the same side of the road as the trolley wire. All positive conductors carrying more than three hundred volts shall be insulated: Provided, however, that this rquirement shall not apply to mines in which electricity has been installed previous to this Act going into effect where positive conductors carry more than three hundred volts. All terminal ends of positive wires installed within the mine shall be so guarded as to prevent persons from coming in contact therewith.

§ 4. Any bare conductor carried into and maintained in any room must be installed on hangers or other fixtures which are properly insulated, and which will prevent it from contact with the roof or other substances.

ARTICLES XII.

Stretchers and Emergency Supplies.

§ 1. It shall be the duty of the operator of each mine subject to the provisions of this Act to at all times keep on hand at the mine a properly constructed stretcher, a woolen and water-proof blanket, and such necessary emergency supplies as may be advised by the medical practitioner employed by the operator; and if as many as one hundred and fifty men be employed at such mine, two stretchers with the necessary blankets and emergency supplies shall be provided. If at any mine there be no medical practitioner regularly employed by the operator, then such emergency supplies shall be kept on hand as may be advised by some physician or surgeon whose practice extends among the employes at the mine, or by the Chief Inspector of Mines.

§ 2. Said stretchers and emergency supplies shall be in the custody of some competent and trustworthy person designated by the operator or superintendent, and they shall be kept in a suitable room or place and in such condition as to be readily available when needed.

ARTICLE XIII.

Storage of Oils and Explosives.

§ 1. No oils or similar inflammable material shall be stored within one hundred feet of any hoisting or escape shaft. All explosives in quantity shall be stored in a fireproof magazine located on the surface not less than five hundred feet away from all mine openings and escape ways, and such magazine shall be so placed as not to jeopardize the free and safe exit of the men from the mine in event of an explosion of the magazine. This provision as to location shall not apply to magazines used for distributing powder to employes, provided such distributing houses or magazines do not contain more than one day's supply for the mine, nor to well-built brick or stone fire-proof magazines constructed before this Act shall have gone into effect.

ARTICLE XIV.

Regulations for Oil.

§ 1. No person, firm, or corporation in this State shall compound, sell, or offer for sale for illuminating purposes in any coal mine in this State any oil other than oil composed of not less than eighty-four per cent of pure animal or vegetable oil, or both, and not more than sixteen per cent of pure mineral oil, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by a Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; and no person, firm, or corporation, or agent or employe of same, shall sell or furnish any oil to be used for illuminating purposes in coal mines in this State unless the

same shall have been inspected, tested, approved, and certified by the Chief Inspector of Mines or assistant inspector of mines, and it shall be the duty of said inspectors to make the necessary tests.

All oils to be used for illuminating purposes in coal mines in this State shall be contained in barrels or other containers branded, stenciled, or labeled conspicuously with the name and address of the compounder, and the specific gravity in degrees of Baume scale at the temperature of sixty degrees Fahrenheit; and no person, firm, or corporation shall sell or offer for sale any oil for illuminating purposes in coal mines in this State unless the barrel or other container in which it was received bears such brand, stencil, or label: Provided, however, that if oil be shipped in a tank-car to any point in the State the inspector may take a sample or samples of oil from such tank-car, and if he finds that said oil complies with the test required by Section 2 of this Article, then he shall furnish a certificate to the shipper or shippers setting forth that fact, and said shipper or shippers shall be allowed to sell the oil, making deliveries from tank-wagons; but when such deliveries are made they shall be accompanied by a certificate duly made by the representative of the person, firm, or corporation shipping the oil to the effect that said oil has been inspected by the Chief Inspector of Mines or by an assistant inspector of mines, as the case may be, giving the name of the inspector and date of inspection, and that it was approved for illuminating purposes in the coal mines in this State by said inspector.

Each person, firm, or corporation selling or offering for sale any oil for illuminating purposes in coal mines in this State shall, upon request of any inspector of mines, submit such oil and the original container for examination, and give him a sample of the oil for the purpose of making a test thereof.

§ 2. The test to be made, upon the result of which the inspector shall determine whether to approve any oil to be

used for illuminating purposes in coal mines, shall include the determination of the specific gravity of the oil at the temperature of sixty degrees Fahrenheit, and a burning test made in comparison with the burning of a standard mixture, prepared by the Chief Inspector of Mines or by an assistant inspector of mines, composed of eighty-four per cent of best quality pure cotton seed oil and sixteen per cent of pure petroleum oil of three hundred degrees flash test. In making the burning test, the oil to be tested and that used as the standard, as herein prescribed, shall be burned in miner's lamps of the same size and shape, and shall be burned under as identical conditions as may be possible as regards size, length, and quality of wick, length of wick projecting out of the spout of the lamp, and protection from drafts of air. Any oil so tested that produces substantially no more smoke or soot than that produced by the standard mixture shall be deemed fit for approval as regards the burning test; otherwise, it shall be rejected. For testing the gravity of the oil, a Tagliabue or other standard hydrometer, which shall have been "certified" by the United States Bureau of Standards, shall be used. In making the test the hydrometer shall, when possible, be read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. Should the oil be opaque or turpid, one-half the capillary attraction shall be deemed and taken as the true reading. When the oil is tested under difficult circumstances, an allowance of one-half of a degree may be made for possible errors of parallax before condemning the oil.

§ 3. When the oil tested complies with the requirements and tests provided for in the foregoing section, the inspector making the test shall stencil, or otherwise plainly mark, each barrel or other container in which it is contained, or if shipped in tank-cars, the inspector shall tag the car, substantially as follows: "Approved this ..... day of ..... by Inspector .....," the blanks to be filled out with the date and the name of the inspector making the

inspection and tests. But if the oil does not come up to said requirements, the barrel or other container shall be so marked (or tagged in the case of a tank-car), substantially as follows: "Rejected for illuminating purposes in the coal mines of the State of Kentucky this ..... day of ..... by ..... Inspector," the blanks to be filled out with the date and the name of the inspector making the inspection and tests.

§ 4. No person shall adulterate any oil to be used for illuminating purposes in coal mines in this State either before or after taking same from the original container, and shall not alter, transfer, or re-use any label of any sort placed upon the container by the Chief Inspector of Mines or an assistant inspector of mines.

No person shall use for illuminating purposes in any coal mine to which this Act applies any oil other than oil of a quality specifically provided for in this Article, and each person while in a coal mine shall upon request of an inspector of mines, or of any officer or duly authorized agent of the operator of the mine, submit his lamp and supply of oil for examination, and upon request give a sample of the oil for the purpose of making a test thereof, and state from whom said oil was purchased.

The provisions of this Article shall only apply to oil used in lamps for open lights in coal mines. The oil used for safety lamps may be of such composition as will best serve the purpose.

Any person, firm, or corporation, or agent thereof, who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any coal mine in this State contrary to the provisions of this Article, shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, and for a second and subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, at the discretion of the court.

Any person, firm, or corporation, or agent thereof, who

sells or offers for sale to any employe of a coal mine for illuminating purposes in this State contrary to the provisions of this Article shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Any person who knowingly uses for illuminating purposes in a coal mine in this State any oil contrary to the provisions of this Article shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, in the discretion of the court.

ARTICLE XV.

Board of Examiners.

§ 1. The Chief Inspector of Mines and any two of the assistant inspectors, the selection of whom is optional with the Chief Inspector, and who may select them alternately, from time to time, together with one miner, who has had at least five years of practical experience in the mining of coal, and who is actually employed in mining coal at the time of his appointment, and one coal operator, or the representative of a coal operator, who is at the time of his appointment actually engaged in the business of operating a coal mine in the State, who shall be appointed by the Governor for a term of two years each, shall constitute a Board of Examiners for the examination of applicants for certificates of qualification to serve as mine foreman and as fire-bosses in coal mines, and for the examination of candidates for the position of assistant inspector of mines. Said miner and operator members of the Board shall hold their positions until their successors are appointed. The Chief Inspector of Mines shall be chairman of the Board, and whenever it may be necessary for him to be absent from any meeting of the Board, he may desig-

nate any other member to preside during his abense. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations, and issue certificates. The technical qualifications required of mine foreman and fire-bosses, respectively, shall be set out by the Board.

Said Board shall hold four regular meetings or sessions during the year, upon such dates, not more than three months apart, and at such place or places as the members may determine, and the chairman shall have authority to call special meetings whenever there shall be necessity therefor. Notice of time and place shall be given at least two weeks in advance of a regular meeting for examinations.

For their services as examiners said inspectors shall receive no extra compensation, but only their regular salaries and their traveling expenses; that is, their services as examiners shall be considered and treated as part of their official duties as inspectors; but the miner and operator members shall each receive five dollars per day for the time occupied in attendance upon each session of the Board, together with his actual and necessary traveling expenses. The accounts of the mines and operator members for compensation and expenses shall be rendered promptly after the close of each meeting of the Board; they shall be itemized and certified to as in the case of accounts rendered by the inspectors, and they shall be paid as the expense accounts of the inspectors are paid when approved by the Chief Inspector of Mines and by the Governor.

§ 2. To all persons possessing the qualifications required by this Act for appointment as assistant inspectors of mines and who have passed a satisfactory examination before the Board of Examiners, a certificate shall be given, in such form as may be prescribed by the Chief Inspector of Mines, certifying to the Governor that said applicant has passed a satisfactory examination and possesses the qualifications by this Act required of an assistant inspector. Said

certificate shall be signed by the members of the Board of Examiners.

§ 3. To all persons possessing the qualifications by this Act required of a mine foreman, and who have passed a satisfactory examination before the Board of Examiners, a certificate shall be issued, in such form as shall be prescribed by the Chief Inspector of Mines, and of such class as may be determined by the Board of Examiners; which certificate shall be signed by the Chief Inspector of Mines and Board of Examiners.

§ 4. To all persons possessing the qualifications by this Act required of a fire-boss and who have passed a satisfactory examination before the Board of Examiners, a certificate shall be issued in such form as shall be prescribed by the Chief Inspector of Mines; which certificate shall be signed by the Chief Inspector of Mines and Board of Examiners.

Article XVI.

Examination of Mine Foremen and Fire Bosses.

§ 1. No person shall be employed as mine foreman or fire-boss in any mine in which fifteen or more persons are employed at one time who has not been granted a certificate of qualification to the effect that he has been examined by the Board of Examiners provided for by this Act and has been found fit and competent.

Mine Foreman.—The certificates of qualification for mine foreman shall be divided into three classes, namely, (1) First Class, which shall authorize the holder thereof to act as foreman for all classes of coal mines; (2) Second Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine; (3) Third Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine in which not more than twenty-five persons are employed at one time.

Fire-boss.—The certificate of qualification to serve as

fire-boss shall authorize the holder thereof to act as fire-boss in any coal mine.

Each applicant for examination shall, before he is examined, pay a fee of two dollars and fifty cents to the Auditor of Public Accounts, who shall issue his receipt therefor, which receipt the applicant shall present the Board of Examiners before he shall be permitted to enter the examination; and all fees so paid shall be turned into the State Treasury to the credit of the general expenditure fund.

The class of certificate which may be awarded an applicant who has been examined with respect to his qualifications to serve as mine foreman shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant or by the grade made by him upon examination. The certificate to be awarded a successful applicant for a certificate of qualification to serve as fire-boss shall show upon its face that the holder is authorized to act as fire-boss.

No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well-known and responsible persons in the locality whence he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in coal mines. Certificates may be granted only to persons who are bona fide residents of this State or who are employed at mines within the State. The Board is authorized to decline to examine any applicant who can not readily understand the written English language or who can not express himself intelligently in the English language.

The Chief Inspector of Mines, as chairman, shall keep a record of all proceedings of the Board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

§ 2. Any person acting as mine foreman or fire-boss at a coal mine without having a certificate from the Board of

Examiners authorizing him to act as mine foreman or fire-boss, except as herein specified, and any operator or superintendent who shall employ any person to act as mine foreman or fire-boss who has not obtained a certificate from the Board of Examiners authorizing him to act as such mine foreman or fire-boss, shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than one hundred dollars nor more than two hundred dollars. In case of a vacancy in the position of mine foreman or fire-boss in any mine the assistant inspector of mines for the district may, with the approval of the Chief Inspector, authorize a temporary appointment of any miner of four or more years of experience in coal mines, whom he may deem competent to act as mine forman or fire-boss, as the case may be, for a period not exceeding ninety days. Any mine foreman holding a certificate of the first class may serve as fire-boss.

§ 3. The certificate of a mine foreman or of a fire-boss, as the case may be, may be cancelled and revoked by the Board of Examiners, upon notice and hearing as herein provided, if it shall be established in the judgment of said Board that the holder thereof has become unworthy to hold said certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful neglect to comply with instructions to obey the requirements of the mining laws given by an inspector of mines, or other cause: Provided, that any person against whom charges are made shall have a right to appear before said Board and defend against such charges, and he shall have fifteen days' notice in writing of such charges, previous to such hearing.

§ 4. Persons who have heretofore been granted certificates by the Board of Examiners, as heretofore constituted, authorizing them to act as mine foreman or fire-bosses, shall not be required to again obtain such certificate giving authority to act in such capacity required by this Act. And all certificates granted prior to June 16, 1910, shall be ac-

cepted and recognized as certificates of the First Class provided for in this Article.

Article XVII.

Discretionary Powers of Assistant Inspectors Arbitration.

§ 1. Each assistant inspector of mines shall exercise sound discretion in the performance of his duties under the provision of this Act and if the operator or superintendent of any mine shall be dissatisfied with any decision the assistant inspector for the district in which said mine is situated has given in the discharge of his duties, which decision shall, if requested, be reduced to writing, it shall be the duty of the dissatisfied person to appeal from said decision to the chief inspector of mines, who shall at once direct two or more of the other assistant inspectors to promptly accompany the assistant inspector of the district to the mine, to make further examination into the matters in dispute. If the said assistant inspectors shall agree with the decision of the assistant inspector of the district, their decision shall be final, unless, within seven days from receipt of the decision of the committee of assistant inspectors, the dissatisfied person shall appeal therefrom to the circuit court of the county in which said mine is situated.

§ 2. Upon such appeal the circuit court, or the judge thereof in chambers, shall forthwith appoint a commission of four practical, reputable and competent persons, two of whom shall be recommended by the dissatisfied person and the other two by the chief inspector, and the four persons thus recommended and appointed shall appoint a fifth person, who also shall be practical, reputable and equally competent and the five persons so appointed, none of whom shall be in the employ of or related to the dissatisfied person or in the employ of the State Department of Mines, shall constitute a commission to investigate and report on the matter in dispute. In case, however, any or all of said four persons are not recom-

mended by a writing filed in said court within seven days after the said appeal is filed then the judge of said court shall fill the vacancy or vacancies by the appointment of a practical, reputable and competent person or the necessary number of such persons; and in case the four persons thus appointed do not agree in writing upon the fifth person for said commission within five days after having received notice of their appointment, then the said judge of said court shall appoint the said fifth person on said commission.

The duty of said commission shall be, under the instruction of said court, to examine said mine in relation to the matter or matters in dispute and report under oath, within ten days after their appointment, the facts as they exist and the conditions pertaining thereto, and, based upon such conditions and facts, the decision of a majority of said commission on the matter in dispute; and the report and decision of said commission shall be final and conclusive, unless exceptions thereto shall be filed by the said dissatisfied person or the chief inspector of the Department of Mines within seven days after the filing of said commission's report. If exceptions are filed, the court shall at once hear, and, upon testimony taken thereon, determine them, and enter an order in accordance with such determination. For their services each of said commissioners shall receive five dollars per day and their necessary expenses, which shall be taxed and paid as a part of the cost of said proceeding.

§ 3. In event the employes at any mine, represented by seventy-five per cent of their number, shall be dissatisfied with the inspection of said mine made by an assistant inspector of mines, they shall have a right to appeal in writing to the chief inspector, setting forth in said writing, clearly and in detail the reason or reasons for their dissatisfaction; and the chief inspector shall carefully consider said appeal and promptly take action thereon, which may consist of ordering another inspection to be made by said assistant inspector alone or in company with another assistant inspector detailed

by the chief inspector for the purpose, should such course appear to him to be warranted by the facts set forth in the appeal, or of such other action as to said chief inspector may appear to be just and proper in the premises. Said appeal in writing shall be signed by the dissatisfied persons.

ARTICLE XVIII.

Mine Scales.

§ 1. The operator or superintendent of every coal mine in this State, to which this Act applies, at which miners are paid by weight shall provide at such mine suitable and accurate scales for the weighing of the coal for which the miners are to be paid; and when differences arise between the operator or superintendent of the mine and the miners employed in the same as to the accuracy or capacity of the scales, the question shall be referred to the county inspector of weights and measures, whose duty it shall be to inspect and test said scales as early as practicable after receiving notification; and should said inspector find the scales inaccurate or defective beyond the limit admitted in scales of standard manufacture, he shall notify the operator or superintendent of the mine and said scales shall forthwith be repaired and made accurate, or accurate scales be substituted therefor.

§ 2. Any operator or superintendent of a coal mine who refuses or wilfully fails to comply with the instructions to render his mine scales accurate shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than fifty dollars.

ARTICLE XIX.

Mine Rules.

§ 1. The operator of any coal mine to which this Act applies shall have the right to adopt special rules for the government and operation of his mine or mines not in conflict with the provisions of this Act or any amendment or amend-

ments thereto, covering all the work pertaining thereto in and out of the mine, but before said rules shall be in effect they shall be approved in writing by the chief inspector of mines. Such rules when so adopted and approved in writing by the chief inspector shall be printed on cardboard in the language spoken by ten or more employes at such mine or mines, and shall be posted in the drum house, tipple, or other conspicuous place about the mine where the same may be seen and observed by the employes at such mine; and when said rules are so adopted and approved by the chief inspector and posted all employes at such mine shall be deemed to have notice thereof, and to have agreed to the provisions thereof, and persons violating any such provisions thereof shall upon conviction be punished as provided in Article twenty-one of this Act.

§ 2. It shall be the duty of such mine operator when so requested by an employe to furnish a printed copy of such rules to the employe so requesting the same.

§ 3. In case of a failure upon the part of such operator to post said rules after the same shall have been adopted and approved by the chief inspector of mines, he shall be deemed guilty of a misdemeanor and upon conviction be punished as provided in Section 2, of Article twenty-one of this Act.

Article XX.

Duty of Persons to Observe and Obey the Mine Laws and Mine Rules.

It shall be the duty of all persons employed in and about the mines to observe and obey the mining laws and the mine rules adopted for the safe government and operation of the mine in or about which such persons are employed, and to exercise such reasonable care as may be necessary to preserve their own health and safety and the health and safety of other persons employed in and about such mine.

ARTICLE XXI.

Penalties for Violations of this Act.

§ 1. Any person who shall intentionally or carelessly injure any safety lamp, instrument, air course, or brattice; or who shall without proper authority handle, remove, or render useless any "fencing," means of signaling, apparatus, instrument, or machinery; or shall without proper authority obstruct or throw open airways, or enter a place in or about a mine against a notice or signal of caution, or open any door, the opening of which is forbidden; and any one who shall carry fire, open lights, matches, pipes or other smoker's articles beyond any station inside of which locked safety lamps are used, or open a door used for directing ventilation in a mine and not close it promptly, or disobey any order giving in carrying out the provisions for safety set forth in this Act, or do any other act whatsoever whereby the lives or the health of the persons employed or the security of the mine or machinery are endangered, shall, except as otherwise in this Act provided, be deemed guilty of a misdemeanor, and shall upon conviction be punished as is provided in Section two of this Article.

§ 2. Any person who neglects or refuses to perform the duties required of him by this Act, or by the rules regularly adopted in conformity with this Act for the government and safe operation of any mine, or who violates any of the provisions or requirements thereof, shall, except as otherwise provided in this Act, be deemed guilty of a misdemeanor and shall upon conviction thereof in the circuit court of the county in which the misdemeanor was committed be punished by a fine not exceeding two hundred dollars. Any violation of this Act which has been declared to be a msdemeanor by any provisions thereof shall be punished in like manner, unless other punishment be provided therein.

ARTICLE XXII.

§ 1. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Mr. R. S. Wilson moved the provious question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at engtth being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Ed. Frost	John G. Miller, Jr.
Henry C. Blades	Frank C. Greene	T. T. Mobley
Joseph Boitnott	C. M. Gum	Harry J. Meyers
A. T. Bryson	Elwood Hamilton	John E. Newman
Glover H. Cary	W. L. Hampton	A. W. Palmer
Ed. F. Cecil	V. D. Hammond	Lyman J. Parrigin
J. G. Coke, Jr.	J. B. Harvey	Lilburn Phelps
Benj. L. Cox	H. H. Hays	William A. Perry
Geo. T. Davis	Dr. S. L. Henry	John A. Polin
James R. Dorman	R.B.Hutchcraft,Jr.	J. D. Pumphrey
John W. Douglas	T. R. Jones	Richard Radcliffe
John Drescher	John A. Judy	Dr. W. R. Ray
John C. Duffy	John H. Klette	Stanley F. Reed
William Duffy	William J. Kuh	S. H. Rogers
Odie Duncan	J. C. Lay	W. E. Rogers
G. P. Durrett	Simon B. Lott	S. M. Saufley
Thomas J. Evans	Dr.J.N.M'Cormack	W. A. Shawler
Vert C. Fraser	W. T. McNally	L. M. Smith

Adam Spahn	James T. Webb	M. O. Wilson
Ed. D. Stone	W. M. Webb	Roy S. Wilson
W. T. Stott	John F. White	
M. S. Walton, Jr.	N. B. White	—64

Those who voted in the negative were—

C. R. Luker	J. R. Mount	J. D. Wills

—3

Resolved, That the title thereof be as aforesaid.

Mr. ———— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 2. An Act to amend Sections 4464, 4464a, 4480, 4482, Article 10, Kentucky Statutes, Carroll's Edition, 1909, and repealing Section 4464b thereof, and amending said Article 10, of said statutes, relating to schools by adding thereto Section 4500b.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4464, Article 10, Kentucky Statutes, Carroll's Edition of 1909, beginning with the words, "Provided, that the proposition to establish any graded school district and school, as provided for in this Section, is approved in writing on the petition to the county judge by a majority of

the trustees of any common school," and continuing to the close of said section, be repealed and there be and there is enacted in lieu thereof the following:

"Provided, that the proposition to establish any graded common school district, as provided for in this section, is approved in writing, on the petition to the county judge by the county board of education, and also by the county superintendent of common schools; that no point on the boundary of any proposed graded common school district be more than two and one-half miles from the site of the school building and that the location and site of said school building in said district are set out with exactness in said petition and that the district contain not less than one hundred pupil children.

"If at any time it becomes desirable to either extend or decrease the boundary of a graded common school, a majority of the legal voters in the territory which is proposed to be changed may file a written petition in duplicate, one copy with the board of trustees of the graded common school and one copy with the County Board of Education. Said petition shall set out with exactness the names of all persons within the territory to be changed, and shall show the change in the boundary of the district as proposed by the change. If the petition shall be approved by the board of trustees of the graded common school and the county board of education, an order shall be so made on the record of each board and the change shall be effective at once.

"All graded common schools which have been previously established under the general or under any special law of the State, or any such school which may hereafter be established, shall have authority to operate and maintain a high school equal in rank to that maintained by the county board of education, or they may pay the tuition of all pupils eligible to enter the high school in the county high school or in a high school whose course of study has been approved by the State Board of Education," so that when said section is amended and re-enacted it will read as follows:

"It shall be the duty of the county judge in each county of this Commonwealth, upon a written petition signed by at least twenty-five per cent. of the legal voters, who are tax payers in the justice's district, town or city of the fifth or sixth class in his county to make an order on his order book, at the next regular term of his court, after he receives said commission, fixing the boundary of any proposed graded common school district, as agreed on by the county judge and the petitioners, and directing the sheriff or other officers, whose duty it may be to hold the election to open a poll in said proposed graded common school district, at the next regular State, town, or city election to be held therein, or on any other day fixed by said judge in said order, not in either case earlier than forty days from the date of said order, for the purpose of taking the sense of the legal white voters in said proposed graded common school district upon the proposition whether or not they will vote an annual tax, in any sum named in said order, not exceeding fifty cents on each one hundred dollars of property assessed in said proposed graded common school district, town or city, belonging to said white voters or corporations, or a poll tax in any sum named in said order, not exceeding one dollar and fifty cents per capita on each white male inhabitant over twenty-one years of age residing in said proposed graded common school district, or both an ad valorem and a poll tax, if so stated in the order, for the purpose of maintaining a graded common school in said proposed graded common school district, and for erecting, purchasing or repairing suitable buildings therefor if necessary.

Provided, that the proposition to establish any graded common school district, as provided for in this section, is approved in writing, on the petition to the county judge by the county board of education, and also by the county superintendent of common schools; that no point on the boundary of any proposed graded common school district be more than

two and one-half miles from the site of the school building and that the location and site of said school building in said district are set out with exactness in said petition, and that the district contains not less than one hundred pupil children.

"If at any time it becomes desirable to either extend or decrease the boundary of a graded common school, a majority of the legal voters in the territory which is proposed to be changed, may file a written petition in duplicate, one copy with the board of trustees of the graded common school and one copy with the county board of education. Said petition shall set out with exactness the names of all persons within the territory to be changed and shall show the change in the bounary of the district as proposed by the change. If the petition shall be approved by the board of trustees of the graded common school and the county board of education, an order shall be so made on the records of each board and the change shall be effective at once.

"All graded common schools which have been previously established under the general or under any special law of the State, or any such school which may hereafter be established, shall have authority to operate and maintain a high school equal in rank to that maintained by the county board of education, or they may pay the tuition of all pupils eligible to enter the high school, in the county high school, or in a high school whose course of study has been approved by the State Board of Education."

§ 2. That Section 4464a, Article 10, Kentucky Statutes, Carroll's Edition of 1909, be repealed, and that the following be and the same is enacted and substituted in lieu thereof:

"That whenever it becomes desirable to establish a graded common school composed of parts of two counties and upon a written petition signed by at least ten legal voters residing in the county where the greater number of legal voters reside, and a majority of the legal voters residing in the adjoining county, it shall be the duty of the county judge

in the county having the greatest number of legal voters, to make an order on the order book at the next regular term of his court after he receives said petition, directing the sheriff or other officers whose duty it may be to hold the election, to open a poll in the proposed graded common school district upon the proposition as to whether or not such graded common school shall be established. Before such an order can be made by the county judge, the petition must be approved in writing by the county board of education and the county superintendent of schools in each county concerned. When an order is made directing a poll to be taken, the same items shall be followed in all respects as are provided for in Section 4464, by which all other graded schools are voted. Should the graded school be voted, it shall be under the control of the county in which the order directing its establishment is made.

§ 3. That Section 4464b, Article 10, Kentucky Statutes, Carroll's Edition of 1909, be and the same is hereby repealed.

§ 4. That Section 4480, Article 10, Carroll's Kentucky Statutes, Edition of 1909, be and the same is repealed, and the following be enacted in lieu thereof:

"The County Superintendent of Schools shall pay to the treasurer of any graded common school district that may be organized and operating in his county, in conformity with this article, the pro rata portion of the State and county funds due the said district, according to the number of pupil children therein, after the monthly and term reports as required of other schools have been properly filed and certified to by the chairman and secretary of the board of trustees of said graded school, and filed in the office of the county superintendent. The county superintendent may withhold the amount due for any month until the monthly report has been properly made and filed, or he may withhold the amount due for the last month until the annual report has been properly made and filed.

§ 5. That Section 4482, Article 10, Kentucky Statutes,

Carroll's Edition of 1909, be amended by adding the following at the close of said section:

"Provided, that after July 1, 1914, any graded common school which has been regularly voted and organized, and which does not levy as much as fifty cents on each hundred dollars' worth of taxable property, shall have the power, and their charters are hereby amended so as to empower them to levy any rate of tax for operating expenses not to exceed fifty cents on each one hundred dollars' worth of taxable property, and one dollar and fifty cents poll tax, and that their boards of education be and same are hereby authorized to exercise this power, when, in their judgment, the demands of the school make it expedient," so that when said section is amended and re-enacted it will read as follows:

"The Board of Trustees in any graded common school district where the tax has been voted shall cause to be levied and collected an annual advalorem tax, in any sum not exceeding the amount voted for in said district under the provisions of this law, upon each one hundred dollars' worth of property of every kind and character, having value and owned by any white person, company or corporation subject to taxation, within the limits of said graded common school district, or shall cause to be levied annually a poll tax in any sum not exceeding the amount voted in said district under this law on each white male citizen residing within the limits of any graded common school district, over twenty-one years of age, or both an ad valorem and a poll tax, if so voted at the said election: Provided, no levy shall be made under the provisions of this law later than the close of the fiscal year in which the last county assessment shall have been made. The board of trustees shall, out of collections under each levy, by order set apart out of the collections of each levy a sufficient amount to pay interest for the year on any bonds issued, and the treasurer shall pay some, and, in addition, shall, out of the several levies, until entire payment of such bonds, set aside a

sufficient amount as a sinking fund, when aggregated, to meet the principal of the bonds at maturity, which sinking fund shall be kept loaned, with ample security, or profitably invested, and shall be used for no other purpose than the payment of principal of such bonds. But if the board so order, the sinking fund, or any parts thereof, may be used in the purchase of such bonds before maturity, except a sufficiency to pay interest on the outstanding bonds.

"Provided, that after July 1, 1914, any graded common school which has been regularly voted and organized and which does not levy as much as fifty cents on each one hundred dollars' worth of taxable property, shall have the power, and their charters are hereby amended so as to employ them, to levy any rate of tax for operating expenses not to exceed fifty cents on each one hundred dollars' worth of taxable property, and one dollar and fifty cents poll tax, and that their boards of education be, and the same are hereby authorized to exercise this power, when, in their judgment, the demands of the school make it expedient."

§ 6. That Article 10, Sections 4464 to 4500a, Kentucky Statutes, Carroll's Edition of 1909, relating to graded common schools, be amended by enacting and adding the following section at the close of said Article, so that when said section is enacted and added it shall be known as Section 4500b, and shall read as follows:

"Whenever it becomes desirable on account of geographical or other conditions to establish a consolidated school, composed of a graded common school and other adjoining common school subdistrict or subdistricts, the board of trustees of such graded common schools shall have authority to enter into contract with the county board of education of the county in which said graded common school district is located, to established, operate and maintain such consolidated school. The contract when made shall be in writing, and shall stipulate in full and complete terms the number of years such contract

shall exist, the employment of teachers, the arrangements of the course of study, and all other arrangements necessary to the successful conduct of such consolidated school. The expense of the transportation of pupils to and from such consolidated school may be provided for jointly by the graded common school, and the subdistrict or subdistricts annexed or by the subdistricts alone. The tax for the transportation of pupils by the subdistricts concerned shall be voted, levied and collected in the same way and at the same time that other consolidated schools vote, levy and collect a tax for the same purpose."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	John Drescher	D. H. Hillman
Henry C. Blades	John C. Duffy	J. J. Huff
Joseph Boitnott	William Duffy	R.B.Hutchcraft,Jr.
Elmer L. Brown	G. P. Durrett	T. R. Jones
A. T. Bryson	M. J. Farris, Jr.	John A. Judy
Glover H. Cary	Vert C. Fraser	Griffin Kelly
Ed. F. Cecil	C. M. Gum	William J. Kuh
J. G. Coke, Jr.	E. V. Hall	Simon B. Lott
Benj. L. Cox	W. L. Hampton	C. R. Luker
Geo. T. Davis	V. D. Hammond	Dr.J.N.M'Cormack
James R. Dorman	J. B. Harvey	W. T. McNally
John W. Douglas	H. H. Hays	T. T. Mobley

J. R. Mount	Richard Radcliffe	James T. Webb
Harry J. Meyers	Dr. W. R. Ray	W. M. Webb
John E. Newman	Stanley F. Reed	John F. White
A. W. Palmer	W. E. Rogers	N. B. White
Lyman J. Parrigin	B. T. Rountree	J. D. Wills
Lilburn Phelps	W. A. Shawler	M. O. Wilson
William A. Perry	Adam Spahn	Roy S. Wilson
J. D. Pumphrey	M. S. Walton, Jr.	Douglas G. Wood

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Resolved, That the title thereof be as aforesaid.

Mr. Reed moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 115. An Act regarding the running at large of chickens, ducks or other fowls in the cities of the first class and prividing a penalty therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person within the corporate limits of any city of the first class in the Commonwealth of Kentucky to permit his or her chickens, ducks, or other fowls to run at large or to go upon the enclosed premises of another, and any person so offending shall be fined not less than $1.00 nor more than $5.00 for each offense; and if any damage shall be committeed by such chickens, ducks or other fowls, within the enclosed premises of another, the owner of same shall be liable for all such damage done.

Mr. Douglas moved that said bill be tabled.

Said motion was disagreed to.

Mr. Douglas moved that the further consideration of said bill be postponed indefinitely.

Said motion was agreed to.

Mr. Brown moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 17, 1914.

The House was opened with prayer by the Rev. John J. Gravatt, of the Episcopal Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. H. C. Duffy offered the following resolution:

Be it resolved by the House of Representatives, That the salaries of the Enrolling Clerks and the Doorkeeper be fixed at ten dollars per day for the session of 1914, and the Clerk of the House be authorized and directed to draw his warrant on the Auditor of Public Accounts, and direct the Auditor to issue a warrant on the State Treasurer to pay said sum.

Mr. Mount moved that said resolution be tabled.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in the House of the following titles:

H. B. 70. An Act to provide for the extension of the school term of the common schools of Kentucky.

H. B. 86. An Act for the search of premises in local option territory where intoxicating liquors are sold or suspected of being sold, for the seizure of such intoxicating liquors, for the arrest of the person or persons in charge of such premises or intoxicating liquors, and for the purpose of declaring such intoxicating liquors contraband, and direct their confiscation and destruction.

And that they had concurred in House Amendments to S. B. 258.

Mr. Judy offered the following resolution:

Resolved, That Hon. Jas. B. McCreary, Governor, be requested to veto Senate Bill No. 2, which was passed under a misapprehension.

Mr. Oliver moved that said resolution be tabled.

Said motion was agreed to.

Mr. Coke offered the following report in writing:

The committee appointed by the lower house of the General Assembly beg to report that they have found that there was a book lobby maintained at Frankfort and that there is also a railroad lobby which at the present time is actively en-

gaged with the General Assembly, that they have furnished passes to members; that the railroads have failed to produce the records of passes furnished and we ask that the committee be reduced to three members and that they be instructd to make the railroads produce the records and report to Governor and publish the list.

The yeas and nays being required on the adoption of said report by Messrs. Greene and Miller, were as follows:

Those who voted in the affirmative were—

Elmer L. Brown	D. H. Hillman	Dr. W. R. Ray
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	Stanley F. Reed
Benj. L. Cox	Griffin Kelly	S. M. Saufley
John Drescher	John H. Klette	W. A. Shawler
H. C. Duffy	Simon B. Lott	L. M. Smith
John C. Duffy	Dr.J.N.M'Cormack	Ed. D. Stone
M. J. Farris, Jr.	John G. Miller, Jr.	W. T. Stott
Frank C. Greene	T. T. Mobley	N. C. Tilford
E. V. Hall	J. R. Mount	M. S. Walton, Jr.
Elwood Hamilton	John E. Newman	James T. Webb
W. L. Hampton	C. B. Nichols	J. D. Wills
H. H. Harrington	S. Mazyck O'Brien	M. O. Wilson
H. H. Hays	W. A. Price	
Dr. S. L. Henry	Richard Radcliffe	—40

Those who voted in the negative were—

Harry Avery	Thomas J. Evans	William J. Kuh
J. M. Billeter	W. N. Flippin	J. C. Lay
Joseph Boitnott	Vert C. Fraser	C. R. Luker
A. T. Bryson	Ed. Frost	John McDyer
C. W. Burton	John F. Fryer	W. T. McNally
Ed. F. Cecil	C. M. Gum	Harry J. Meyers
Geo. T. Davis	J. B. Harvey	Zach. L. Myers
John W. Douglas	J. J. Huff	A. J. Oliver
William Duffy	T. R. Jones	A. W. Palmer
G. P. Durrett	John A. Judy	Lyman J. Parrigin

Lilburn Phelps	B. T. Rountree	John F. White
John A. Polin	A. W. Sharp	N. B. White
J. D. Pumphrey	Adam Spahn	Roy S. Wilson
S. H. Rogers	Louis Tieman	Douglas G. Wood
W. E. Rogers	W. M. Webb	—44

And so said report was disagreed to.

Mr. H. J. Meyers moved that the vote by which said report was rejected be reconsidered and that said motion lie on the table.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 238. An Act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That upon the concurrence of three-fifths of all the members elected to each house, the yeas and nays being taken thereon and entered in full in their respective journals, Section 171 of the Constitution, is amended and revised, so that it shall read as follows:

The General Assembly shall provide by law an annual tax, which with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only and shall be uniform upon all property of the same class subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

The General Assembly shall have power to divide prop-

erty into classes and to determine what class or classes of property shall be subject to local taxation. Bonds of the State and of counties, municipalities, taxing and school districts shall not be subject to taxation.

Any law passed or enacted by the General Assembly pursuant to the provisions of or under this amendment or amended section of the Constitution, classifying property and providing a lower rate of taxation on personal property, tangible or intangible, than upon real estate, shall be subject to the referendum power of the people, which is hereby declared to exist to apply only to this section, or amended section. The referendum may be demanded by the people against one or more items, sections or parts of any Act enacted pursuant to or under the power granted by this amendment, or amended section. The referendum petition shall be filed with the Secretary of State not more than four months after the final adjournment of the Legislative Assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people under this section. All elections on measures referred to the people under this Act shall be at the regular general elections, except when the Legislative Assembly shall order a special election. Any measure referred to the people shall take effect and become a law when approved by the majority of the votes cast thereon, and not otherwise. The whole number of votes cast for the candidates for Governor at the regular election last preceding the filing of any petition shall be the basis upon which the legal voters necessary to sign such petition shall be counted. The power of the referendum shall be ordered by the Legislative Assembly at any time any acts or bills are enacted, pursuant to the power granted under this section or amended section, prior to the year of one thousand nine hundred and seventeen. After that time, the power of the referendum may be ordered either by the petition signed by five per cent of the legal voters or by the Legislative Assembly at the time said acts

or bills are enacted. The General Assembly enacting the bill shall provide a way by which the act shall be submitted to the people. The filing of a referendum petition against one or more items, sections or parts of an Act shall not delay the remainder of that Act from becoming operative.

This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky, and under Section 1459 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1909.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Joseph Boitnott	Odie Duncan	D. H. Hillman
Elmer L. Brown	G. P. Durrett	J. J. Huff
A. T. Bryson	Thomas J. Evans	R.B.Hutchcraft,Jr.
C. W. Burton	Ed. Frost	T. R. Jones
Glover H. Cary	John F. Fryer	John A. Judy
J. G. Coke, Jr.	C. M. Gum	Griffin Kelly
Benj. L. Cox	E. V. Hall	John H. Klette
Geo. T. Davis	Elwood Hamilton	William J. Kuh
James R. Dorman	W. L. Hampton	J. C. Lay
John W. Douglas	V. D. Hammond	C. R. Luker
John Drescher	H. H. Harrington	Dr.J.N.M'Cormack
John'C. Duffy	J. B. Harvey	Geo. M. McDowell
William Duffy	W. E. Henninger	John McDyer

W. T. McNally	Lyman J. Parrigin	A. W. Sharp
John G. Miller, Jr.	Lilburn Phelps	Adam Spahn
T. T. Mobley	William A. Perry	Ed. D. Stone
J. R. Mount	John A. Polin	W. T. Stott
Harry J. Meyers	W. A. Price	Louis Tieman
Zach. L. Myers	Dr. W. R. Ray	M. S. Walton, Jr.
John E. Newman	Stanley F. Reed	W. M. Webb
C. B. Nichols	S. H. Rogers	John F. White
S. Mazyck O'Brien	W. E. Rogers	N. B. White
A. J. Oliver	B. T. Rountree	Roy S. Wilson
A. W. Palmer	S. M. Saufley	Douglas G. Wood

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Those who voted in the negative were—

Harry Avery	Vert C. Fraser	Richard Radcliffe
J. M. Billeter	Frank C. Greene	James T. Webb
Ed. F. Cecil	H. H. Hays	J. D. Wills
H. C. Duffy	Dr. S. L. Henry	M. O. Wilson
M. J. Farris, Jr.	Simon B. Lott	
W. N. Flippin	J. D. Pumphrey	

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Resolved, That the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 54. An Act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges and State farms.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 253 of the Constitution of this State be amended so that the Commonwealth of Kentucky may use and employ outside of the walls of the penitentiaries in such manner and means as may be provided by law, persons convicted of felony and sentenced to confinement in the penitentiary for the purpose of constructing, or reconstructing and maintaining public roads and public bridges or for the purpose of making and preparing material for public roads and bridges and that the Commonwealth of Kentucky may, by the use and employment of convict labor outside of the walls of the penitentiary by other ways or means, as may be provided by law, aid the counties for road and bridge purposes, work on the State farm or farms.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky, and under the provisions of the Act of May 12, 1897, same being Section 1459 of the compilation of laws known or designated as Carroll's 1903 Edition of Kentucky Statutes.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Harry Avery	W. E. Henninger	W. A. Price
Elmer L. Brown	R.B.Hutchcraft,Jr.	Richard Radcliffe
C. W. Burton	William J. Kuh	Dr. W. R. Ray
Glover H. Cary	J. C. Lay	Stanley F. Reed
Benj. L. Cox	John McDyer	S. H. Rogers
Geo. T. Davis	W. T. McNally	W. A. Shawler
John W. Douglas	John G. Miller, Jr.	Adam Spahn
John Drescher	Harry J. Meyers	W. T. Stott
John C. Duffy	John E. Newman	Louis Tieman
William Duffy	S. Mazyck O'Brien	N. C. Tilford
John F. Fryer	William A. Perry	M. S. Walton, Jr.
V. D. Hammond	John A. Polin	—35

Those who voted in the negative were—

J. M. Billeter	J. B. Harvey	A. W. Palmer
Joseph Boitnott	H. H. Hays	Lyman J. Parrigin
Ed. F. Cecil	Dr. S. L. Henry	Lilburn Phelps
J. G. Coke, Jr.	D. H. Hillman	Dr. T. J. Poteet
H. C. Duffy	J. J. Huff	J. D. Pumphrey
Odie Duncan	J. M. Johnson	W. E. Rogers
G. P. Durrett	T. R. Jones	S. M. Saufley
Thomas J. Evans	John A. Judy	A. W. Sharp
M. J. Farris, Jr.	Griffin Kelly	L. M. Smith
W. N. Flippin	Simon B. Lott	Ed. D. Stone
Vert C. Fraser	C. R. Luker	James T. Webb
Frank C. Greene	Dr.J.N.M'Cormack	W. M. Webb
C. M. Gum	Geo. M. McDowell	John F. White
E. V. Hall	T. T. Mobley	N. B. White
Elwood Hamilton	J. R. Mount	J. D. Wills
W. L. Hampton	Zach. L. Myers	M. O. Wilson
H. H. Harrington	A. J. Oliver	Roy S. Wilson
		—51

Mr. Hamilton moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 13. An Act to provide for the representation of the State of Kentucky at the Panama-Pacific International Exposition at San Francisco, California, celebrating the opening and commercial use of the Panama Canal and making an appropriation therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, whereas, the Panama-Pacific International Exposition will be held in the city of San Francisco, California, in the year 1915, and, whereas, the General Assembly of the Commonwealth of Kentucky has heretofore created a commission of three members, known as the Panama-Pacific Exposition Commission, which commission has heretofore selected a site for the State of Kentucky, as directed by this General Assembly and made investigation as to cost, &c., of Kentucky's exhibit at said exposition,

Now, in order to provide funds for the erection of a building on Kentucky's site at said exposition, and to maintain same, and secure a proper exhibit, the sum of fifty thousand ($50,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the Treasurer in favor of the said Panama-Pacific Exposition Commission, for such sums as may be approved by the Governor of this Commonwealth, not to exceed in all the aforesaid sum of fifty thousand dollars.

§ 2. Said Commission shall encourage and promote a full and complete exhibit of the commercial, educational, industrial, artistic, agricultural and other interests of the State, and its citizens, at such exposition and celebration, and shall provide, furnish and maintain during the exposition a building for a State exhibit and for the official headquarters of the State, and for the comfort and convenience of its citizens and exhibitors.

§ 3. The members of said Commission shall receive no compensation for their said services, but shall be allowed and paid all necessary traveling expenses, and other necessary expenses, incurred while engaged in said duties. Said Commissioners shall file with the Governor an itemized account of all their expenses and upon the approval of the Governor, the Auditor of Public Accounts, is authorized and directed to draw a warrant on the Treasurer of the State of Kentucky for such amount as stated by the Commissioners, covering their traveling expenses, and other general expenses.

§ 4. At the termination of said exposition the commission is hereby authorized to transfer the State building to the purchaser thereof and to further dispose of all the State's products, booths, material, furniture, &c., at the most advantageous terms that can be obtained, and to return to individuals and to State institutions such material or products as may have been borrowed from them for exhibition purposes. The money thus obtained, after deducting expenses, shall be turned into the State Treasury.

§ 5. The Commission shall, as requested by the Governor, from time to time, render to him reports of its proceedings.

§ 6. If any vacancy shall occur in said Panama-Pacific Exposition Commission, said vacancy shall be filled by appointment of the Governor of this Commonwealth.

§ 7. The necessity for immediate arrangements for the erection of a State building and the work of collecting and

forwarding exhibits in behalf of Kentucky for the exposition aforesaid, creates an emergency within the meaning of the Constitution, and an emergency is hereby declared to exist, and this Act shall take effect and be in force from and after the date of its passage, and approval by the Governor.

Mr. Hamilton moved that the House do now resolve itself into the committee of the whole, on the State of the Commonwealth for the purpose of hearing Senator Marshall discuss said S. B. 13.

Said motion was agreed to.

Thereupon, the House resolved itself into the committee of the whole on the State of the Commonwealth.

Mr. Speaker Terrell designated Mr. Hamilton as chairman of the committee of the whole.

Mr. Speaker Terrell vacated the chair.

Mr. Hamilton occupied the chair as chairman of the committee of the whole.

After a time Mr. Hamilton, as chairman of the committee of the whole, reported that said committee had heard a very eloquent address delivered by Senator Starling Marshall and asked that said committee be discharged.

Thereupon said committee was discharged.

Mr. Speaker Terrell resumed the chair.

Mr. Hutchcraft moved that the session be extended until such time as the matter under consideration is disposed of.

Said motion was agreed to.

Mr. Brown moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, failing to receive the constitutional majority, was rejected.

The yeas and nays being taken upon the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Billeter	Elwood Hamilton	Lyman J. Parrigin
Henry C. Blades	V. D. Hammond	William A. Perry
Elmer L. Brown	J. B. Harvey	John A. Polin
A. T. Bryson	W. E. Henninger	J. D. Pumphrey
C. W. Burton	J. J. Huff	Stanley F. Reed
Glover H. Cary	John A. Judy	W. E. Rogers
J. G. Coke, Jr.	John H. Klette	B. T. Rountree
Geo. T. Davis	William J. Kuh	W. A. Shawler
James R. Dorman	Dr.J.N.M'Cormack	L. M. Smith
John Drescher	John McDyer	Adam Spahn
John C. Duffy	W. T. McNally	Louis Tieman
William Duffy	John G. Miller, Jr.	M. S. Walton, Jr.
Odie Duncan	Harry J. Meyers	John F. White
Ed. Frost	C. B. Nichols	N. B. White
John F. Fryer	S. Mazyck O'Brien	Roy S. Wilson
E. V. Hall	A. J. Oliver	—47

Those who voted in the negative were—

Harry Avery	H. H. Hays	W. A. Price
Jas. W. Barrall	Dr. S. L. Henry	Richard Radcliffe
Joseph Boitnott	D. H. Hillman	Dr. W. R. Ray
Ed. F. Cecil	R.B.Hutchcraft,Jr.	S. H. Rogers
Benj. L. Cox	J. M. Johnson	S. M. Saufley
John W. Douglas	T. R. Jones	A. W. Sharp
H. C. Duffy	Griffin Kelly	Ed. D. Stone
G. P. Durrett	J. C. Lay	W. T. Stott
Thomas J. Evans	Simon B. Lott	N. C. Tilford
M. J. Farris, Jr.	C. R. Luker	James T. Webb
W. N. Flippin	Geo. M. McDowell	W. M. Webb
Vert C. Fraser	T. T. Mobley	J. D. Wills
Frank C. Greene	J. R. Mount	M. O. Wilson
C. M. Gum	Zach. L. Myers	Douglas G. Wood
W. L. Hampton	A. W. Palmer	
H. H. Harrington	Dr. T. J. Poteet	—46

Mr. H. J. Meyers moved that the vote by which said S. B. 13 was rejected be reconsidered.

Said motion was agreed to.

Mr. H. J. Meyers moved a recapitulation of said vote.

Said motion was agreed to.

Upon a recapitulation of the roll call on said bill, it appearing that forty-seven voted for and forty-six voted voted against said bill, failing of a constitutional majority, said bill was declared rejected.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 153. An Act to amend Section 3290 in subdivision 2 of Article 4, Chapter 89, Kentucky Statutes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3290, in Subdivision 2 of Article 4, Chapter 89, Kentucky Statutes, be amended by adding to said section subsection 42 as follows:

42. That said cities of the third class are hereby empowered to further improve their streets by oiling the same. The several councils of said cities are hereby authorized and empowered to have such streets as they deem necessary oiled, such streets to be designated by resolution of the common council; the city to provide the oil and have it put on the streets under the supervision of the City Engineer or Street Inspector; and the cost thereof to be borne, one-third by the abutting property owners on one side of the street; one-third by the abutting property owners on the other side of the street; and the other third, together with the street intersections, to be paid by the city out of the street fund, provided however, that on streets where there is a car line, the city's part of the expense may be equally divided between the city and the railway company.

When said work is done, the City Engineer shall ascertain and apportion the costs as herein indicated and certify the same, with the names of the parties owing it, to the common council, and when the said report is approved by the council said costs shall become due and payable to said city, and if not paid within thirty days, said costs shall become a lien upon said property and may be collected by a petition in equity filed in the Circuit Court of the county, and said court of equity is hereby empowered to enforce said lien and sell said property to satisfy said claim or claims.

Because of the intolerable dust and the impracticability of keeping it down with water, and the injurious effects of the water on the streets, an emergency is declared to exist,

and this act shall take effect and be in force from and after its final passage.

Mr. Walton moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	H. H. Harrington	J. D. Pumphrey
Joseph Boitnott	J. B. Harvey	Richard Radcliffe
Elmer L. Brown	H. H. Hays	Stanley F. Reed
C. W. Burton	R.B.Hutchcraft,Jr.	S. H. Rogers
Glover H. Cary	J. M. Johnson	B. T. Rountree
Ed. F. Cecil	T. R. Jones	L. M. Smith
J. G. Coke, Jr.	Griffin Kelly	Adam Spahn
Benj. L. Cox	John H. Klette	W. T. Stott
James R. Dorman	C. R. Luker	Louis Tieman
John W. Douglas	Dr.J.N.M'Cormack	N. C. Tilford
William Duffy	John McDyer	M. S. Walton, Jr.
G. P. Durrett	W. T. McNally	James T. Webb
Thomas J. Evans	J. R. Mount	W. M. Webb
M. J. Farris, Jr.	Zach. L. Myers	John F. White
John F. Fryer	John E. Newman	N. B. White
Frank C. Greene	C. B. Nichols	M. O. Wilson
E. V. Hall	S. Mazyck O'Brien	Roy S. Wilson
Elwood Hamilton	A. W. Palmer	Douglas G. Wood
W. L. Hampton	Dr. T. J. Poteet	
V. D. Hammond	W. A. Price	

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Those who voted in the negative were—

Vert C. Fraser W. A. Shawler J. D. Wills
Dr. W. R. Ray —4

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 246. An Act to amend Section 965 of subdivision 1 of Article 2 of Chapter 35 of the Kentucky Statutes, Carroll's Edition 1909, and the amendment to said act, which became a law March 14, 1912, insofar as said section and amendment applies to the holding of Circuit Courts in the counties of Lee, Estill, Breathitt and Wolfe in the Twenty-third Judicial District.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 965 of the Kentucky Statutes relating to Circuit Courts and the amendment thereto which became a law March 14, 1912, be, and the same is hereby amended so far as said section and said amendment thereto applies to the time of holding Circuit Courts in the Twenty-third Judicial District, so that said section shall as to the Twenty-third District, read as follows:

TWENTY-THIRD DISTRICT—

Breathitt county, at Jackson, on the first Mondays in January, April, July and October, twenty-four juridical days each.

Lee county, at Beattyville, on the first Mondays in Feb-

ruary and May and the second Monday in November, eighteen juridical days each.

Wolfe county, at Campton, on the fourth Mondays in February and May and the third Monday in September, twelve juridical days each.

Estill county, at Irvine, on the third Mondays in March and June and first Monday in December, twelve juridical days each.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	C. M. Gum	C. B. Nichols
Joseph Boitnott	E. V. Hall	S. Mazyck O'Brien
C. W. Burton	Elwood Hamilton	A. W. Palmer
Glover H. Cary	W. L. Hampton	Lilburn Phelps
Ed. F. Cecil	J. B. Harvey	John A. Polin
J. G. Coke, Jr.	H. H. Hays	Dr. T. J. Poteet
Benj. L. Cox	D. H. Hillman	W. A. Price
James R. Dorman	R.B.Hutchcraft,Jr.	Richard Radcliffe
John W. Douglas	J. M. Johnson	Dr. W. R. Ray
John Drescher	T. R. Jones	S. H. Rogers
H. C. Duffy	Griffin Kelly	B. T. Rountree
John C. Duffy	C. R. Luker	S. M. Saufley
William Duffy	Dr.J.N.M'Cormack	L. M. Smith
G. P. Durrett	Geo. M. McDowell	Adam Spahn
Thomas J. Evans	John McDyer	Ed. D. Stone
Vert C. Fraser	T. T. Mobley	W. T. Stott
Ed. Frost	John E. Newman	Louis Tieman

N. C. Tilford	W. M. Webb	J. D. Wills
M. S. Walton, Jr.	John F. White	Roy S. Wilson
James T. Webb	N. B. White	Douglas G. Wood

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Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 267. An Act to amend Section one of an Act entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class,' approved July 1, 1893," approved March 21, 1906, and being Section 2833, Kentucky Statutes, Carroll's Edition 1909.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 70 of an act entitled "An Act for the Government of cities of the First Class," approved July 1, 1893, as amended by Section One of an act entitled "An Act to amend an act entitled, 'An Act for the Government of Cities of the First Class,' approved July 1, 1893," approved March 21, 1906, which is Section 2833 of the Kentucky Statutes (Carroll's Edition, 1909), be amended by adding thereto the following words:

"The General Council shall have power by ordinance recommended by the Board of Public Works, to require that water, gas and sewer service pipes shall be laid and constructed from the main pipes and sewer in any public way to each lot abutting on said public way before said public way is paved or repaved. Where the land abutting on said public way is not divided into lots, the Board of Public Works shall fix a reasonable distance, fronting on said public way which shall constitute a lot for the purposes of this act, and to each

of said lots shall be laid and constructed a water, gas and sewer service pipe. Such reasonable distance shall not be less than twenty-five (25) feet. No water, gas or sewer service pipes shall be laid or constructed under this act, unless there be a water or gas main or sewer in said public way to which said service pipes are to be connected, nor shall any pipes be constructed under this act unless said public way is about to be paved or repaved. The cost of installation of each pipe shall be charged against the lot abutting on each public way which is served or to be served by such pipe, and a lien shall exist against such lot for the respective apportionment by the Board of Public Works of such cost, with interest at the rate of six (6) per cent per annum until paid. The installation of service pipes and sewers under this act shall be ordained by the General Council in a special ordinance for that purpose, and the contract for the installation of such pipes may be separate from or a part of the contract for the improvement of the public way. The General Council shall have power by ordinance recommended by the Board of Public Works to prescribe that such water and gas pipes shall be installed by the respective owners of the main pipes in the public way, at the cost of the respective owners of the abutting lots and that such sewer service pipes shall be laid by the Board of Public Works, at the cost of the respective owners of the abutting lots. Provided, however, that any gas company whose franchise requires said company to bear the expense of a service pipe from the main pipe to the property line of each improved lot, shall reimburse the owner of any lot which was unimproved when said public way was paved or repaved but who shall thereafter use the gas pipe installed under this act, to the extent of his expense theretofore incurred for the installation of said pipe. The General Council shall prescribe by ordinance the necessary details for the purpose of carrying out the provisions of this act," so that said section as amended will read as follows:

"When the improvement is the original construction of

any street, road, lane, alley or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square to be equally apportioned by the Board of Public Works, according to the number of square feet owned by them, respectively, and in such improvements the cost of curbing shall constitute a part of the cost of the construction of the street or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The General Council shall have power by ordinance, recommended by the Board of Public Works, to cause the digging and walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water pipes in the public ways, and to apportion the cost thereof exclusively against the owner of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square fet in such lots, or in any other equitable mode of apportionment which the General Council may prescribe by ordinance, and lien shall exist against such lots for respective apportionment by the Board of Public Works, of the cost of digging and walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes, with interest from the date of the apportionment at the rate of six per cent per annum until paid. The General Council shall have power by ordinance, recommended by the Board of Public Works, to require that water, gas and sewer service pipes shall be laid and con-

structed from the main pipes and sewer in any public way to each lot abutting on said public way before said public way is paved or repaved. Where the land abutting on said public way is not divided into lots, the Board of Public Works shall fix a reasonable distance, fronting on said public way which shall constitute a lot for the purposes of this act, and to each of said lots shall be laid and constructed a water, gas and sewer service pipe. Such reasonable distance shall not be less than twenty-five feet. No water, gas or sewer service pipes shall be laid or constructed under this act, unless there be a water or gas main or sewer in said public way to which said service pipes are to be connected, nor shall any pipes be constructed under this act unless said public way is about to be paved or repaved. The cost of installation of each pipe shall be charged against the lot abutting on each public way which is served or to be served by such pipe, and a lien shall exist against such lot for the respective apportionment by the Board of Public Works of such cost, with interest at the rate of six (6) per cent per annum until paid. The installation of service pipes and sewers under this act shall be ordained by the General Council in a special ordinance for that purpose, and the contract for the installation of such pipes may be separate from or a part of the contract for the improvement of the public way. The General Council shall have power by ordinance recommended by the Board of Public Works to prescribe that such water and gas pipes shall be installed by the respective owners of the main pipes in the public way, at the cost of the respective owners of the abutting lots, and that such sewer service pipes shall be laid by the Board of Public Works, at the cost of the respective owners of the abutting lots. Provided, however, that any gas company whose franchise requires said company to bear the expense of a service pipe from the main pipe to the property line of each improved lot, shall reimburse the owner of any lot which was unimproved when said public way was paved or repaved but who shall thereafter use the gas pipe installed under this act, to the ex-

tent of his expense theretofore incurred for the installation of said pipe. The General Council shall prescribe by ordinance the necessary details for the purpose of carrying out the provisions of this act."

§ 2. This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	W. L. Hampton	W. A. Price
Elmer L. Brown	H. H. Harrington	J. D. Pumphrey
C. W. Burton	H. H. Hays	Richard Radcliffe
Glover H. Cary	W. E. Henninger	Stanley F. Reed
Ed. F. Cecil	D. H. Hillman	W. E. Rogers
J. G. Coke, Jr.	R.B.Hutchcraft,Jr.	B. T. Rountree
Benj. L. Cox	J. M. Johnson	A. W. Sharp
John W. Douglas	T. R. Jones	L. M. Smith
John Drescher	John H. Klette	Adam Spahn
H. C. Duffy	William J. Kuh	Ed. D. Stone
John C. Duffy	J. C. Lay	W. T. Stott
William Duffy	C. R. Luker	Louis Tieman
G. P. Durrett	Geo. M. McDowell	N. C. Tilford
M. J. Farris, Jr.	John McDyer	James T. Webb
W. N. Flippin	T. T. Mobley	John F. White
Vert C. Fraser	J. R. Mount	N. B. White
Ed. Frost	John E. Newman	J. D. Wills
C. M. Gum	S. Mazyck O'Brien	M. O. Wilson
E. V. Hall	A. W. Palmer	Roy S. Wilson
Elwood Hamilton	John A. Polin	—59

There voted in the negative—

Joseph Boitnott —1.

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 270. An Act requiring tobacco warehousemen handling loose leaf tobacco to post on their premises the number of pounds and the average price thereof of each day's sales and prescribing penalties.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of any tobacco warehousemen, corporation, firm or individual, who shall receive, or who shall undertake to receive or take care of leaf tobacco, for sale at public auction, whether with or without compensation or reward, to post or cause to be posted, a notice, in a conspicuous place upon the premises of said warehousemen, corporation, firm or individual, stating the number of pounds in the aggregate, actually sold, and the average price per pound received on account of each day's sales.

§ 2. Said notice shall be posted not later than 9 o'clock A. M., on the day following such sale or sales.

§ 3. Any warehousemen, corporation, firm or individual, who shall fail or refuse to post said notice in accordance with the provisions of this Act shall be subject to a fine in any sum, not less than $25.00 nor more than $50.00 for each day they so fail or refuse to post said notice.

§ 4. Any warehousemen, corporation, firm or individual, who shall in said notice falsify the actual number of pounds

sold or the average price thereof shall be subject to indictment and upon conviction shall be fined $500.00 for each offense.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wallace Bailey	C. M. Gum	T. T. Mobley
Elmer L. Brown	E. V. Hall	J. R. Mount
A. T. Bryson	W. L. Hampton	John E. Newman
C. W. Burton	V. D. Hammond	C. B. Nichols
Glover H. Cary	H. H. Harrington	S. Mazyck O'Brien
Ed. F. Cecil	H. H. Hays	A. J. Oliver
J. G. Coke, Jr.	W. E. Henninger	A. W. Palmer
Benj. L. Cox	Dr. S. L. Henry	J. D. Pumphrey
Geo. T. Davis	D. H. Hillman	Richard Radcliffe
James R. Dorman	R.B.Hutchcraft,Jr.	Dr. W. R. Ray
John W. Douglas	J. M. Johnson	Stanley F. Reed
H. C. Duffy	T. R. Jones	S. H. Rogers
John C. Duffy	John A. Judy	W. E. Rogers
William Duffy	Griffin Kelly	B. T. Rountree
Odie Duncan	John H. Klette	S. M. Saufley
G. P. Durrett	William J. Kuh	A. W. Sharp
M. J. Farris, Jr.	J. C. Lay	L. M. Smith
W. N. Flippin	Simon B. Lott	Adam Spahn
Vert C. Fraser	C. R. Luker	Ed. D. Stone
Ed. Frost	Dr.J.N.M'Cormack	W. T. Stott
John F. Fryer	Geo. M. McDowell	Louis Tieman
Frank C. Greene	John McDyer	N. C. Tilford

James T. Webb	N. B. White	M. O. Wilson
John F. White	J. D. Wills	Roy S. Wilson

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Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 358. An Act to amend Section 747, sub-division 8, Chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, Deputy and Clerks.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 747, of the Kentucky Statutes be, and the same is hereby amended by striking therefrom the words "five thousand dollars," in line four of said section and inserting in lieu thereof the word "nine thousand eight hundred dollars," so that said section, when so amended, will read as follows:

The Insurance Commissioner shall receive an annual salary of three thousand dollars per year, and the deputy shall receive two thousand dollars per year. There shall also be paid nine thousand eight hundred dollars to secure the clerical and actuarial assistance necessary to the discharge of all the duties devolving by law on the Insurance Department, or on the Commissioner. The salaries shall be paid monthly out of the Treasury of the Commonwealth, out of the insurance fund, in the same manner as other salaries are paid, and the other expenses of the department shall be paid, out of the same fund by the warrant of the Auditor upon vouchers signed by the Commissioner.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Frank C. Greene	A. J. Oliver
Wallace Bailey	Elwood Hamilton	A. W. Palmer
J. M. Billeter	W. L. Hampton	Lyman J. Parrigin
Henry C. Blades	V. D. Hammond	William A. Perry
Joseph Boitnott	H. H. Harrington	John A. Polin
Elmer L. Brown	R.B.Hutchcraft,Jr.	Dr. T. J. Poteet
A. T. Bryson	T. R. Jones	W. A. Price
C. W. Burton	John A. Judy	J. D. Pumphrey
Glover H. Cary	John H. Klette	Stanley F. Reed
Ed. F. Cecil	William J. Kuh	W. E. Rogers
J. G. Coke, Jr.	Dr.J.N.M'Cormack	S. M. Saufley
Benj. L. Cox	Geo. M. McDowell	W. A. Shawler
John W. Douglas	John McDyer	L. M. Smith
John Drescher	W. T. McNally	Adam Spahn
H. C. Duffy	John G. Miller, Jr.	W. T. Stott
John C. Duffy	T. T. Mobley	Louis Tieman
William Duffy	Harry J. Meyers	N. C. Tilford
G. P. Durrett	John E. Newman	John F. White
Thomas J. Evans	C. B. Nichols	Roy S. Wilson
John F. Fryer	S. Mazyck O'Brien	

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Those who voted in the negative were—

Jas. W. Barrall	Ed. Frost	W. E. Henninger
Odie Duncan	C. M. Gum	Dr. S. L. Henry
M. J. Farris, Jr.	J. B. Harvey	D. H. Hillman
Vert C. Fraser	H. H. Hays	J. J. Huff

C. R. Luker	Ed. D. Stone	W. M. Webb
J. R. Mount	M. S. Walton, Jr.	J. D. Wills
Dr. W. R. Ray	James T. Webb	Douglas G. Wood

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Resolved, That the title thereof be as aforesaid.

Mr. Judy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 31. An Act to provide a deputy or clerk for the coroner of counties in the Commonwealth having a population of 200,000 or over.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties in this Commonwealth having a population of 200,000 or over, there is hereby created the office of Deputy or Clerk to the Coroner of such counties. Such Deputy or Clerk shall be appointed by the Coroner of such county for a term of four years, but may be removed at any time by said Coroner.

§ 2. It shall be the duty of said Deputy or Clerk to keep the books of said office, summons jurors and witnesses for inquests and to perform such other duties as may be assigned to him by said Coroner.

§ 3. Such Deputy or Clerk shall, by virtue of his office, have the same power of serving summons for jurors, subpoenas for witnesses and other process for such Coroner as a Deputy Sheriff.

§ 4. The salary of said Deputy or Clerk shall be Twelve Hundred ($1,200.00) Dollars per annum, payable out of the county levy, in equal monthly installments.

§ 5. That an act of the General Assembly, approved April 16th, 1897, authorizing the Coroner in cities of the first class, to employ a Clerk and fixing the salary of such Clerk at the sum not to exceed Fifty ($50.00) Dollars per month, is hereby repealed and the office created by said act of April 16th, 1897, is abolished.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	H. C. Duffy	William J. Kuh
Wallace Bailey	John C. Duffy	Dr.J.N.M'Cormack
Jas. W. Barrall	William Duffy	Geo. M. McDowell
Henry C. Blades	Odie Duncan	John McDyer
Joseph Boitnott	M. J. Farris, Jr.	W. T. McNally
Elmer L. Brown	John F. Fryer	John G. Miller, Jr.
A. T. Bryson	C. M. Gum	T. T. Mobley
C. W. Burton	W. L. Hampton	J. R. Mount
Ed. F. Cecil	H. H. Harrington	Harry J. Meyers
J. G. Coke, Jr.	W. E. Henninger	Zach. L. Myers
Benj. L. Cox	Dr. S. L. Henry	John E. Newman
Geo. T. Davis	R.B.Hutchcraft,Jr.	C. B. Nichols
James R. Dorman	T. R. Jones	S. Mazyck O'Brien
John W. Douglas	John A. Judy	A. W. Palmer
John Drescher	John H. Klette	William A. Perry

W. A. Price	S. M. Saufley	James T. Webb
J. D. Pumphrey	Adam Spahn	John F. White
Richard Radcliffe	W. T. Stott	N. B. White
Stanley F. Reed	Louis Tieman	J. D. Wills
W. E. Rogers	N. C. Tilford	

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Those who voted in the negative were—

J. B. Harvey	H. H. Hays	Ed. D. Stone

—3

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory at Frankfort, Kentucky, and the Kentucky Penitentiary at Eddyville, Kentucky, for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky State Reformatory and the Kentucky Penitentiary, and declaring the lands so leased public works of the Commonwealth of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Board of Penitentiary Commissioners are authorized and empowered to lease for the period of two years, a sufficient amount of land located in Franklin County, Kentucky, at some point convenient to the Kentucky State Reformatory, and a sufficient amount of land located in Lyon County, Kentucky, convenient to the Kentucky Penitentiary,

for the purpose of cultivating and raising such products as are consumed by the inmates of said Kentucky Reformatory and said Kentucky Penitentiary. Before said Board of Penitentiary Commissioners shall enter into any contract with any person for the lease of said land they shall submit the proposition to the Commissioners of the Sinking Fund, and if the Commissioners of the Sinking Fund approve the same, then the Board of Penitentiary Commissioners will enter into a written contract with the owner of said lands.

§ 2. The Board of Penitentiary Commissioners are authorized and empowered to assign a sufficient number of the convicts now confined in said penitentiary to labor upon the farms so leased, and said convicts shall during all the time they are engaged in labor upon said farm, and while being conveyed to and from said penitentiary, be under the charge of the Warden and Deputy Wardens or guards assigned by the Board of Penitentiary Commissioners.

§ 3. When the Board of Penitentiary Commissioners shall have leased the lands as herein provided, said land shall be considered a part of the penitentiary system of Kentucky and become public works of the Commonwealth of Kentucky.

§ 4. At the time said Board of Penitentiary Commissioners enter into a contract for the lease of said two tracts of land, they shall take an option on said land which will authorize the Commonwealth of Kentucky at any time within two years from and after that date, to purchase the land at the price named therein, and said Commissioners will also secure options on other land convenient to said penitentiaries, which will enable the next General Assembly of the Commonwealth of Kentucky to cause the purchase of said lands at the price named therein if it desires to do so, but said option shall in no wise bind the Commonwealth of Kentucky to purchase any of said land.

§ 5. The Board of Penitentiary Commissioners shall keep a separate itemized account showing the amount ex-

pended for the seeds, tools, and material on said farms; the number of days that each convict works thereon; the amount of time that each guard or prison official devotes to said farm, and all other expenses incident to or connected with the management of said farm. They will also keep an itemized account showing the receipts from said farm, the amount of the products of said farm used by the prison, together with the market value of the product on the day that it is delivered to the prison, and they will report all leases, contracts, and the original book on which said accounts are kept to the next session of the General Assembly of the Commonwealth of Kentucky.

§ 6. The season is fast approaching when crops should be pitched, and in order to get the full benefit of the land so leased during the present year, an emergency is declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wallace Bailey	Benj. L. Cox	Frank C. Greene
Joseph Boitnott	James R. Dorman	C. M. Gum
Elmer L. Brown	John Drescher	Elwood Hamilton
A. T. Bryson	John C. Duffy	W. L. Hampton
Ed. F. Cecil	G. P. Durrett	V. D. Hammond
J. G. Coke, Jr.	John F. Fryer	H. H. Harrington

J. B. Harvey	John McDyer	Richard Radcliffe
H. H. Hays	W. T. McNally	Stanley F. Reed
Dr. S. L. Henry	John G. Miller, Jr.	S. H. Rogers
D. H. Hillman	J. R. Mount	B. T. Rountree
R.B.Hutchcraft,Jr.	Harry J. Meyers	S. M. Saufley
T. R. Jones	Zach. L. Myers	Adam Spahn
John A. Judy	John E. Newman	Ed. D. Stone
Griffin Kelly	C. B. Nichols	W. T. Stott
John H. Klette	A. J. Oliver	Louis Tieman
William J. Kuh	Lilburn Phelps	M. S. Walton, Jr.
Simon B. Lott	William A. Perry	James T. Webb
C. R. Luker	Dr. T. J. Poteet	John F. White
Dr.J.N.M'Cormack	W. A. Price	M. O. Wilson
Geo. M. McDowell	J. D. Pumphrey	—59

Those who voted in the negative were—

H. C. Duffy	Vert C. Fraser	N. B. White
M. J. Farris, Jr.	Dr. W. R. Ray	J. D. Wills
W. N. Flippin	W. E. Rogers	—8

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 250. An Act to repeal Chapter 118 of the Acts of 1910, and Sub-sections 3, 4 and 5 of Section 20 of Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20 of Chapter 65a of the Kentucky Statutes, 1909 Edition, to provide for the maintenance of the House of Reform for Boys and the House of Reform for Girls and the inmates thereof, and to provide for the payment into the State Treasury of the revenues derived from said Houses of Reform.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 118 of the Acts of 1910, and Subsections 3, 4 and 5 of Section 20 of Chapter 65a, of the Kentucky Statutes, Carroll's Edition, 1909, be repealed, and in lieu thereof the following be enacted:

20.—The children of white and colored races committed to said institution shall be provided with separate apartments.

§ 1. The Superintendent of the Houses of Reform shall cause the inmates to be employed at such labor and during such hours as may be designated by the Prison Commissioners of Kentucky, and he shall pay into the State Treasury the proceeds of the labor of the inmates, and all other income and receipts of the institution as they are received by him.

§ 2. The expenses of said institution, including the salaries of all the employes, shall be paid out of the State Treasury upon a warrant drawn by the Auditor. The Superintendent thereof shall, at the end of each month, certify to the Board of Prison Commissioners all bills, accounts and other indebtedness and expenses of said institution on behalf of the inmates thereof incurred during the preceding month, including the salaries of the officers and employes thereof, and shall furnish said Board itemized statements of all such claims, and upon approval thereof by the Board of Prison Commissioners, certified by the chairman thereof, the Auditor of Public Accounts shall draw his warrant in favor of the claimant therefor on the State Treasurer, and the same shall be paid.

§ 3. Before the Board of Prison Commissioners shall be authorized to appoint or employ any person to be assigned to said Houses of Reform, they shall present to the Governor a written statement setting forth the necessity for the employment of such person, the duties to be performed by such person, and the amount said person is to receive for the services to be performed, and they shall also state whether

the person so employed is to receive board and lodging. If the Governor approves the employment, he shall so indicate it by his written indorsement on said statement, which shall be filed with the Auditor of Public Accounts.

§ 4. It shall be lawful for said Superintendent to use and apply in kind to the maintenance of the said institution and the inmates thereof, any and all the products of the farm, dairy and other departments or industries of the institution.

§ 5. The Superintendent of the Houses of Reform, and all other officers or employes of said Houses of Reform who are charged with the duty of receiving, handling and disbursing money or other property belonging to the Commonwealth of Kentucky, or for the use and benefit of the Houses of Reform, shall, before entering upon the discharge of their duties, execute to the Commonwealth of Kentucky bond with approved security in the sum of $10,000, for the faithful discharge of their respective duties, which bond shall be upon a form prepared or approved by the Attorney General.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Elmer L. Brown	Ed. F. Cecil
Wallace Bailey	A. T. Bryson	J. G. Coke, Jr.
Joseph Boitnott	C. W. Burton	Benj. L. Cox

John Drescher	William J. Kuh	Richard Radcliffe
H. C. Duffy	Simon B. Lott	Dr. W. R. Ray
William Duffy	C. R. Luker	Stanley F. Reed
Odie Duncan	Geo. M. McDowell	W. E. Rogers
G. P. Durrett	John McDyer	B. T. Rountree
Frank C. Greene	W. T. McNally	S. M. Saufley
Elwood Hamilton	J. R. Mount	A. W. Sharp
W. L. Hampton	Zach. L. Myers	Adam Spahn
V. D. Hammond	John E. Newman	M. S. Walton, Jr.
H. H. Harrington	C. B. Nichols	James T. Webb
H. H. Hays	Lyman J. Parrigin	John F. White
Dr. S. L. Henry	Lilburn Phelps	N. B. White
T. R. Jones	William A. Perry	M. O. Wilson
Griffin Kelly	W. A. Price	Douglas G. Wood
John H. Klette	J. D. Pumphrey	—53

Those who voted in the negative were—

M. J. Farris, Jr.	C. M. Gum	Ed. D. Stone
Vert C. Fraser		—4

Resolved, That the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 326. An Act to repeal and re-enact Section 3076 of the Kentucky Statutes, relating to the power to grant licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

Said bill reads as follows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3076, of Chapter 89, of the Kentucky Statutes, Carroll's Edition, 1909, Municipal Corporations,

be and the same is hereby repealed and in lieu thereof that said section be re-enacted to read as follows:

Section 3076. The General Council, or in cities having adopted the commission form of government, the commissioners, shall have power by ordinance to license, tax and regulate the sale of spirituous, vinous and malt liquors; to so authorize and designate the proper officers of the city to issue and grant all license in accordance with such regulations as by ordinance may be prescribed, and to fix the prices and fees to be charged therefor.

§ 2. In as much as it is necessary that all license ordinances shall be passed by the governing bodies of cities of the second class in the month of February in each year, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	John W. Douglas	Elwood Hamilton
Joseph Boitnott	H. C. Duffy	W. L. Hampton
A. T. Bryson	John C. Duffy	H .H. Harrington
C. W. Burton	G. P. Durrett	J. B. Harvey
Ed. F. Cecil	Thomas J. Evans	H. H. Hays
J. G. Coke, Jr.	W. N. Flippin	W. E. Henninger
Benj. L. Cox	Vert C. Fraser	Dr. S. L. Henry
James R. Dorman	C. M. Gum	D. H. Hillman

J. M. Johnson	John E. Newman	Ed. D. Stone
T. R. Jones	C. B. Nichols	W. T. Stott
Griffin Kelly	A. J. Oliver	N. C. Tilford
Simon B. Lott	Lyman J. Parrigin	M. S. Walton, Jr.
Geo. M. McDowell	Lilburn Phelps	James T. Webb
John McDyer	Richard Radcliffe	John F. White
John G. Miller, Jr.	Dr. W. R. Ray	J. D. Wills
T. T. Mobley	S. H. Rogers	M. O. Wilson
J. R. Mount	W. E. Rogers	
Harry J. Meyers	L. M. Smith	—52

Those who voted in the negative were—

Elmer L. Brown	W. T. McNally	J. D. Pumphrey
Geo. T. Davis	Zach. L. Myers	W. A. Shawler
Odie Duncan	S. Mazyck O'Brien	Adam Spahn
William J. Kuh	William A. Perry	—11

Resolved, That the title thereof be as aforesaid.

Mr. Walton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey moved that the House do now recess until 7:30 P. M.

Said motion was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 281. An Act to regulate express companies and place their supervision under the Railroad Commission and to give the Railroad Commission power to regulate the rates that may be charged by them.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every express company doing business in this State shall be under the supervision of the Railroad Commission and it shall be the duty of the Railroad Commission to see that the laws relating to express companies are faithfully executed to exercise a general supervision over the express companies in this State.

§ 2. The Railroad Commission shall have full power to require every express company doing business in this State to make and transmit to the Commission, at its office in Frankfort, a report under oath of the president or manager of the company, showing a full and true statement of the affairs of the company. Such report shall be made on blanks furnished by the Commission, and the Commission shall have full power to fix the time when such report shall be made, and to require answers to all questions propounded by the Commission for the purpose of obtaining such information.

§ 3. Said Commission shall examine all through rates charged by such companies from points out of this State to points within this State, and when the Commission is of the opinion that such rate is excessive, unreasonable or discriminating in its nature, it shall call the attention of the officials of the express company in this State to such excessive, unreasonable or discriminating rates, and urge upon them the propriety of changing same, and if same are not changed, the Commission shall present the facts to the Inter-State Commerce Commission and ask for relief. In making such request of the Inter-State Commerce Commission, the Railroad Commission shall be represented by the Attorney General of this State.

§ 4. The Railroad Commission shall have power to examine under oath, any person, or the directors, officers,

agents and employes of any express company doing business in this State, concerning the management of its affairs, and to obtain information pursuant to this Act; and shall have power to issue subpoenas as for the attendance of witnesses and to administer oaths; and shall have power to punish any person for contempt who may disobey such subpoena or who may fail or refuse to answer any question that may be asked, and in addition, any person who shall fail to answer any question shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars. Any officer, agent or employe who shall fail to make any report required by the Railroad Commission within the time prescribed, or who shall in any way, hinder or obstruct the commission in the discharge of its duty, shall be guilty of a misdemeanor, and shall be fined not less than five hundred nor more than one thousand dollars, and the jurisdiction of any such prosecution shall be in the Franklin Circuit Court.

§ 5. The Railroad Commission shall have full power to regulate the rates charged by express companies doing business in this State; it may prescribe a schedule of rates applicable to the whole State or between points within the State. The rates so fixed by the committee shall not be less or greater than are just and reasonable under all the circumstances, and they shall not be discriminating. Before any schedule of rates shall become effective, the express companies to be affected thereby, shall be given thirty days' notice, and at any time within such period any such company may appear before the Commission, with such witnesses as it may desire, and shall be given a hearing before said Commission. After such hearing, said Commission may or may not, in its discretion, change the proposed schedule, and its conclusions shall be made a matter of record and the express companies which have made protest against the rates shall be given notice of the conclusions of the Commission.

§ 6. The Railroad Commission shall hear and determine

all complaints against any express company doing business in this State. Such complaint shall be made in writing and the Commission shall give the company complained of not less than ten days' notice of the time and place of the hearing of the same. The Commission shall hear and reduce to writing, all evidence adduced by the parties, and render such award as may be proper. If the award of the Commission be not satisfied within ten days after the same is rendered, the chairman shall file a copy of said award and the evidence heard in the office of the clerk of the circuit court of the county which would have jurisdiction of said controversy, and the clerk of the court, shall enter same on the docket for trial; and summons shall be issued as in other cases against the party against whom the award shall have been renedered, requiring said party to appear in court within the time allowed in ordinary cases, and show cause why said award has not been satisfied. If the party fail to appear, judgment shall be rendered by default, the same as in ordinary cases, and execution may issue thereon the same as in other cases. If a trial is demanded, the case shall be tried in all respects the same as other ordinary cases, except the case shall be tried solely upon the evidence returned by the Commission, except if the court be satisfied by affidavit that there is evidence which could not have been produced before the Commission by the exercise of reasonable diligence, the judgment and proceedings thereon shall be the same as in other ordinary cases.

§ 7. When complaint shall be made to the Railroad Commission accusing any express company of collecting or receiving extortionate rates in this Commonwealth, or when said Commission shall receive information, or have reason to believe that such rate or rates are being charged, collected or received, it shall be the duty of said Commission to hear and determine the matter as speedily as possible. They shall give the company or corporation complained of not less than

ten days' notice, by letter mailed to an officer or employe of said company or corporation, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, argument or evidence offered by the parties as the Commission may deem relevant and should the Commission determine that the company or corporation is, or has been guilty of extortion, said Commission shall make and fix a just and reasonable rate, toll or compensation, which said express company or corporation may charge, collect or receive for like services thereafter rendered. The rate, toll or compensation so fixed by the Commission shall be entered and be an order on the record book of their office and signed by the Commission and a copy thereof mailed to an officer, agent or employe of the express company or corporation affected thereby, and shall be in full force and effect at the expiration of ten days thereafter, and may be revoked or modified by an order likewise entered of record. And should said express company or corporation or any officer, agent or employe thereof, charge, collect or receive a greater or higher rate, toll or compensation, for like service thereafter rendered than that made and fixed by said Commission, as herein provided, said company or corporation, and said officer, agent or employe shall each be deemed guilty of extortion, and upon conviction be fined for the first offense in any sum not less than five hundred dollars nor more than one thousand dollars, and upon a second conviction, in any sum not less than one thousand dollars, nor more than two thousand dollars, and for a third and succeeding conviction, in any sum not less than two thousand dollars nor more than five thousand dollars, and any express company which shall charge a greater rate than that fixed by the Commission under the provisions of Section 5 of this Act after same shall become operative shall be subject to the penalties provided for in this section.

Mr. Hamilton offered the following amendment to said bill:

Amend S. B. 281, by adding the following as an additional section:

Section 7. The Railroad Commission shall be allowed the sum of twenty-one hundred dollars by reason of the additional duties imposed by this Act: Six hundred dollars to be paid the Secretary of the Commission and fifteen hundred dollars to be used in the employment of an experienced Rate Clerk; which sums shall be paid into the State Treasury by the corporations operating express companies in this State, the amounts of said payments to be fixed and prorated by the State Board of Valuation and Assessment, or other Commission which may be authorized by law to assess the valuation of the franchises of such corporations.

Mr. Hamilton moved that the session be extended until the matter under consideration was disposed of.

Said motion was agreed to.

Mr. Wm. Duffy offered the following amendment:

Amend S. B. 281, by adding thereto the following: "That nothing in this Act pertaining to telephone companies shall apply to cities of the first class."

Mr. Walton offered the following amendment to said bill:

Amend S. B. 281. That nothing in this bill pertaining to telephones shall apply to cities of the second and third class.

Mr. J. C. Duffy offered the following amendment:

Amend by adding to said bill the following, as an additional section:

"Provided, however, the provisions of this Act relating to regulation and control of telegraph and telephones shall apply to long distance lines only."

Mr. Coke moved that said bill and all pending amendments be tabled.

Said motion was agreed to.

Mr. Smith moved that immediately after the completion of the report of the Committee on Enrollments this House recess until 7:30 P. M.

Said motion was agreed to.

A message was received from the Governor announcing that he had approved and signed H. B. 183 and 494 of the following titles:

H. B. 183. An Act relating to the establishment, protecting and building of levees for the public benefit.

H. B. 494. An Act to amend and re-enact article one, chapter fifty-two of the Kentucky Statutes, edition of one thousand nine hundred nine, being section one thousand eight hundred thirty three to one thousand eight hundred fifty-one, inclusive, entitled "Fiscal Courts," as amended by an Act entitled "An Act to amend Section one thousand eight hundred fifty of the Kentucky Statutes, Edition of one thousand nine hundred nine," being Chapter one hundred sixteen of Acts of one thousand nine hundred and ten.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 440. An Act to amend an Act entitled "An Act to incorporate the Kentucky Confederate Home, and providing for the maintenance thereof," approved March 27th, 1902, amended March 26, 1904, March 21, 1906, March 19, 1910, and March 18, 1912.

H. B. 279. An Act fixing the amount of the bonds of the wardens of the Kentucky Penitentiary at Eddyville and of the Kentucky Reformatory at Frankfort, Kentucky, and of the deputy wardens thereof.

H. B. 265. An Act to amend subsection two of Section 8 of an Act of the Commonwealth of Kentucky, entitled "An Act relating to husband and wife and entitled Husband and Wife," approved May 16, 1893, being Chapter 205, Session Acts of the Legislature of Kentucky, 1893, and also being subsection 2 of Section 2103, Kentucky Statutes, 1909, John D. Carroll's Edition.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 13. An Act relating to the holding of Circuit Courts in counties having therein cities of the sixth class or larger, located within two miles of the geographical center of said county and ten miles or more from the county seat thereof.

H. B. 86. An Act to provide for the search of premises in local option territory where intoxicating liquors are sold, or suspected of being sold, for the seizure of such intoxicating liquors, for the arrest of the person or persons in charge of such premises or intoxicating liquors and for the purpose of declaring such intoxicating liquors contraband and direct their confiscation and destruction.

H. Res. 25. Resolution for the benefit of Mrs. Ida Turley and A. T. Bryson and appropriating money for their benefit.

H. B. 70. An Act to provide for extension of school term of common schools of Kentucky.

H. B. 196. An Act to create and establish a system of public State roads and to provide for the construction and maintenance thereof.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

And then the House recessed until 7:30 P. M.

EVENING SESSION.

At 7:30 P. M. the House reconvened.

Mr. Shawler moved that the rules be suspended.

Said motion was agreed to.

Mr. Shawler offered the following resolution, viz.:

Whereas, Thomas R. Wiard, Custodian of the Capitol Building, has been uniformly attentive to all of the duties de-

volving upon him, and has devoted his time and attention assiduously to the comfort of the Senators and has at all times been zealous in his efforts to promote the comfort and convenience of the members, and has in all respects proven himself a most worthy and efficient person in the discharge of his duties, therefore,

Be it resolved by the House of Representatives, That we hereby extend our thanks to Thomas R. Wiard, Custodian of the Capitol Building, for his painstaking, courteous, and untiring efforts in providing for the comfort and convenience of the members, and we recommend him as a most efficient, competent and worthy official.

Resolved further, That the clerk be requested to furnish a copy of this resolution to the said Thomas R. Wiard.

Said resolution was adopted.

Mr. Hutchcraft moved that the rules be suspended.

Said motion was agreed to.

Mr. Hutchcraft offered the following resolution, viz.:

Whereas, Mr. Ernest T. Douglas, electrician of the Capitol, has materially contributed to the comfort of the members and facilitated their work by the capable manner in which he has performed his duties throughout this session.

Be it resolved, That the House of Representatives desire to place upon the record the fact that they appreciate his efficient work and that they deem the Commonwealth fortunate in having secured the services of so able a man in this important position.

Said resolution was adopted.

Mr. Walton moved that the rules be suspended.

Said motion was agreed to.

Mr. Walton offered a resolution of the following title:

H. Res. 40. Resolution authorizing the acceptance of the offer of the Bronze Memorial Company, of Chicago, Illinois, to make for Kentucky one hundred engraved bronze portraits of our distinguished dead.

Said resolution reads as follows, viz.:

Whereas, The Bronze Memorial Company of Chicago, Illinois, has offered to make for Kentucky one hundred engraved bronze portraits of our distinguished dead. The same to be placed in the State Capitol and to be grouped and known as "The Gallery of Honor," and this to be without any expense whatever to the State of Kentucky; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That we hereby accept the offer and extend to Mr. Howard G. Bartling, President of the Bronze Memorial Company, our thanks for the generous gift and hereby authorize and direct the Board of Sinking Fund Commissioners to select the one hundred names whose portraits will be so engraved on bronze, and to provide a suitable place in the Capitol building to place said bronze portraits and to designate it as "The Gallery of Honor."

Said resolution was adopted.

Mr. Mount moved that the rules be suspended.

Said motion was agreed to.

Mr. Mount offered the following resolution, viz.:

Resolved, That a copy of the joint resolution adopted by the Senate of Kentucky and House of Representatives be forwarded by the Clerk of the House of Representatives of Kentucky to President Woodrow Wilson.

Said motion was agreed to.

Mr. McCormack offered the following report in writing:

Report of Representative to Washington in regard to Lincoln Memorial Building:

As the duty appointed representative to attend the hearing before the Secretary of War with the purpose of having Bowling Green White Stone used in the construction of the great Lincoln Memorial Building, I have the honor to report that, accompanied and supported by the almost solid Kentucky delegation in Congress, I attended and took part in this largely attended and most interesting hearing. Owing to the delay in presenting Kentucky's claim to furnish the material to build this monument to her great son, it is highly probable that we are destined to lose on a technicality for the stone for the exterior of the building. Negotiations are still going on to have it incorporated in other portions of the memorial, and this report has been withheld in the hope that the result of these negotiations might be communicated to you. This pleasure is denied me, as the matter is still pending, and it only remains for me to say if Kentucky gains nothing from my mission she has lost nothing, as it was my privilege to pay the expenses of the trip myself and ask no reimbursement from this General Assembly.

Very respectfully yours,

J. N. McCormack,

Mr. Roy S. Wilson moved that said report be received and filed, and that this House give to Mr. McCormack a rising vote of thanks.

Said motion was agreed to and the House extended its thanks to Mr. McCormack.

Mr. McDyer moved that the rules be suspended.

Said motion was agreed to.

Mr. McDyer offered the following resolution, viz.:

Resolved by the Lower House of Representatives of Kentucky, That O. H. Pollard, of Breathitt County, be and is hereby allowed the sum of one hundred dollars as attorney's fee in the contest of Back vs. Bailey for a seat in this House.

Mr. Evans moved that said resolution be tabled.

Said motion was agreed to.

Mr. Spahn moved that the rules be suspended.

Said motion was agreed to.

Mr. Spahn offered the following resolution, viz.:

Whereas, it has been anounced that the Hon. Oscar Vest, Sergeant-at-Arms of this House of Representatives, has been appointed a Deputy United States Marshal for the Eastern District of Kentucky, and will assume his duties at the close of this session of the General Assembly; therefore,

Be it resolved by the House of Representatives, That, testifying to his loyalty, efficient and faithful services to

this House, we commend and endorse his selection for a position in the government service;

Be it further resolved, That a copy of this resolution be spreal upon the Journal of the House, and that the Clerk be directed to forward a copy to the Honorable James McReynolds, Attorney General of the United States; the Hon. Ollie M. James, United States Senator for Kentucky, and the Hon. R. C. Ford, United States Marshal for the Eastern District of Kentucky.

Said resolution was adopted.

Mr. Hamilton moved that the rules be suspended.

Said motion was agreed to.

Mr. Hamilton offered the following resolution, viz.:

Resolved, That the Chief Clerk of this House be allowed for extra services rendered for extra assistance necessarily employed during the closing days of session, for postage paid, for telephone rent, be allowed the sum of two hundred and fifty dollars and the Auditor of Public Accounts is directed to draw his warrant for same as a necessary contingent expenses of this House.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	A. T. Bryson	Geo. T. Davis
J. M. Billeter	C. W. Burton	John W. Douglas
Joseph Boitnott	Glover H. Cary	H. C. Duffy
Elmer L. Brown	J. G. Coke, Jr.	William Duffy

G. P. Durrett	John H. Klette	J. D. Pumphrey
Thomas J. Evans	William J. Kuh	Richard Radcliffe
W. N. Flippin	Simon B. Lott	Stanley F. Reed
Ed. Frost	C. R. Luker	S. H. Rogers
John F. Fryer	Dr.J.N.M'Cormack	W. E. Rogers
Frank C. Greene	W. T. McNally	S. M. Saufley
E. V. Hall	John G. Miller, Jr.	A. W. Sharp
Elwood Hamilton	T. T. Mobley	W. A. Shawler
W. L. Hampton	Harry J. Meyers	L. M. Smith
J. B. Harvey	Zach. L. Myers	Adam Spahn
D. H. Hillman	S. Mazyck O'Brien	N. C. Tilford
J. J. Huff	A. W. Palmer	M. S. Walton, Jr.
R.B.Hutchcraft,Jr.	Lyman J. Parrigin	James T. Webb
J. M. Johnson	William A. Perry	W. M. Webb
T. R. Jones	John A. Polin	John F. White
John A. Judy	Dr. T. J. Poteet	M. O. Wilson
Griffin Kelly	W. A. Price	Douglas G. Wood

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Those who voted in the negative were—

M. J. Farris, Jr.	Geo. M. McDowell	W. T. Stott

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And so said resolution was adopted.

Mr. Phelps moved that the rules be suspended.

Said motion was agreed to.

Mr. Phelps offered the following resolution, viz.:

Whereas, the great office of Speaker of the House of Representatives, second in importance only to the office of Governor of the State, has been filled, during the 1914 session, by the Honorable Claude B. Terrell, with signal ability and fairness; therefore,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, That the most cordial thanks of

this House be extended to the Speaker, Hon. Claude B. Terrell, for the efficient and faithful performance of his arduous duties as presiding officer of the House and for the uniform courtesy he has shown the membership of this body.

Be it further resolved, That this resolution be spread upon the Journal of this House.

Said resolution was unanimously adopted.

Mr. Hamilton moved that the rules be suspended.

Said motion was agreed to.

Mr. Hamilton called up for consideration from the Clerk's desk a resolution of the following title, viz.:

S. Res. 29. Resolution to pay ministers for their services in opening Senate and House of Representatives with prayer.

(For said resolution see House Journal March 16th.)

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	James R. Dorman	E. V. Hall
Jas. W. Barrall	John W. Douglas	Elwood Hamilton
Joseph Boitnott	John Drescher	W. L. Hampton
Elmer L. Brown	H. C. Duffy	V. D. Hammond
C. W. Burton	William Duffy	H. H. Harrington
Ed. F. Cecil	G. P. Durrett	J. B. Harvey
J. G. Coke, Jr.	Frank C. Greene	H. H. Hays
Benj. L. Cox	C. M. Gum	W. E. Henninger

Dr. S. L. Henry	Zach. L. Myers	S. H. Rogers
J. J. Huff	John E. Newman	W. E. Rogers
R.B.Hutchcraft,Jr.	C. B. Nichols	S. M. Saufley
J. M. Johnson	S. Mazyck O'Brien	A. W. Sharp
T. R. Jones	A. J. Oliver	W. A. Shawler
John A. Judy	Lyman J. Parrigin	Adam Spahn
Griffin Kelly	William A. Perry	W. T. Stott
William J. Kuh	John A. Polin	N. C. Tilford
Simon B. Lott	Dr. T. J. Poteet	M. S. Walton, Jr.
Dr.J.N.M'Cormack	W. A. Price	W. M. Webb
W. T. McNally	J. D. Pumphrey	John F. White
T. T. Mobley	Richard Radcliffe	N. B. White
J. R. Mount	Dr. W. R. Ray	J. D. Wills
Harry J. Meyers	Stanley F. Reed	M. O. Wilson

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Those who voted in the negative were—

Thomas J. Evans Douglas G. Wood —2

And so said resolution was adopted.

A communication from the Attorney General, James Garnett, in response to House Resolution of date March 14, was filed in the office of the Clerk of the House of Representatives, relative to the affairs of the State Board of Health,

The House took up for consideration from the orders of the day a bill entitled:

S. B. 68. An Act creating the office of district detective to the Commonwealth Attorney in all counties having two divisions of the circuit court.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in all counties in this Commonwealth having a Circuit Court with two divisions of continuous session therein, there is hereby created the office of District Detective, who shall be appointed by the Commonwealth Attorney for a term of four years, but may be removed at any time by the said Commonwealth Attorney.

It shall be the duty of said District Detective to assist the Commonwealth Attorney in the preparation of all criminal cases by investigating the evidence and the facts connected with such cases, and he shall aid the Commonwealth Attorney in all matters pertaining to his office and in such manner as the Commonwealth Attorney may from time to time designate.

Said District Detective shall have the same powers of arrest and the same right to execute process as is now given by law to the sheriff of this Commonwealth.

Before entering upon the discharge of his duties as such, he will execute bond to the Commonwealth, in the County Court, with good and sufficient surety, to be approved by the Judge of said Court, in the sum of one thousand dollars ($1,000.00), for the faithful performance thereof.

The salary of each of said detectives shall be twelve hundred dollars ($1,200.00) per annum, payable out of the County Levy in monthly installments.

Mr. Price moved that said bill be tabled.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 29. An Act to conserve, protect and regulate the catching of mussel shell in the Ohio River within the border of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to catch mussel shells in the Ohio River, within the confines of this Commonwealth, except as hereinafter provided.

§ 2. The County Court Clerk of the various counties touching said river shall have authority to grant licenses for the exclusive privilege of catching mussel shells in the portions of said river lying within their respective counties, as hereinafter provided. No license shall cover a section of the river containing less than one-fourth of a mile of shell beds nor more than three miles of shell beds; and no person shall hold more than one license at any one time. Said licenses shall cover sections of the river in each county as they may be laid off by the river warden, hereinafter provided for. The county clerk shall keep a record of the sections, and shall furnish a copy of same to the State Auditor. No license shall be granted for a longer period than one year. Provided, that all licenses shall expire on April 30th, each year. Each person securing license shall pay to the county clerk a fee of one dollar for issuing same. Blank forms for the license shall be furnished the county clerks by the Auditor. Each applicant for license shall state in his application what section of the river as laid off he desires his license to cover, and shall also state what royalty per ton he is willing to pay for same, and it shall be the duty of the county clerk to grant the said license in each instance to the highest and best bidder. Said license, when granted, shall not be transferable. The county clerk shall advertise for sealed bids at least three times in the county paper. No bid will be considered for less than one dollar per ton for all marketable shells produced. No license holder shall have authority to work shell beds lying between the thread of the stream and the Kentucky shore, without the written consent of the abutting land owner.

§ 3. Each license holder shall pay to the River Warden, to be turned into the State Treasury to be credited to the Mussel Protection Fund by said warden the amount stated in his license for each ton of marketable shells caught in the territory covered by his license. It shall be the duty of each license holder to make a sworn report monthly to the river warden, and a duplicate thereof to the county clerk, setting out in detail the number of tons of shell sold during the month covered by the report, and such other facts as may be required of him, and shall file with said report duplicate invoices of all shells sold during the month; and the royalty stated in his license per ton on each ton so sold shall be due the Commonwealth, and payable to the River Warden when he shall have examined and approved said report. The Commonwealth shall have a lien upon all shells caught until the royalty is paid.

§ 4. It shall be unlawful for any license holder, or his employees, in catching shells to work more than four boats per mile on any shell bed, or to take from any bed more than sixty tons of shells per mile of the river's length, and proportionately for beds of less than a mile in length, in any one year. And it shall be unlawful to take shells from the river beds by dredging, or by the use of tongs, or by the use of any device or instrument other than what is known as a "shell hook." Provided, that it shall be lawful to catch shells with the hands. It shall likewise be unlawful to catch shells from the river bed when there is more than twenty feet of water in the nearest government gauge. It shall be lawful to take shells from said river only between the first day of May and the first day of November of each year.

§ 5. For the carrying out of the provisions of this act the office of River Warden is hereby created. Said River Warden shall be appointed by the Auditor for the term of four years, and shall be subject to removal by him. In addition to the duties hereinbefore provided it shall be the duty of the River Warden to visit the various sections of said

river when necessary, and to maintain a general supervision of the work of the various license holders. He shall make a sworn monthly report to the Auditor, showing the general condition of the business, the amount of royalties received by him for the State during the month, and such other facts as the Auditor may require, and shall pay into the State Treasury to be credited to the Mussel Protection Fund the royalties so received.

§ 6. The River Warden shall receive a salary not to exceed twelve hundred dollars ($1,200.00) per year, payable monthly upon the warrant of the Auditor, and shall also be paid his necessary expenses incurred in the discharge of his duties. He shall file with the Auditor an itemized account of such expenses, and shall make oath to the correctness thereof, before the same shall be allowed. The salary and expenses herein provided for shall be paid only out of the fund turned into the State Treasury under the provisions of this Act, when approved by the Auditor, and in no event shall it be paid out of any other fund. The River Warden shall execute bond to the Commonwealth of Kentucky, to be approved by the Auditor, in the penal sum of five thousand ($5,000.00), conditioned for the faithful performance of his duties under this Act.

§ 7. For any violation of the provisions of this Act, or of the contract obtained through his license, by the license holder or his employes he shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00), and upon conviction shall forfeit his license. Any one other than the license holder or his employes catching shells, or fishing for same on territory covered by license, shall be deemed a trespasser, and shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each offense. This shall also apply to territory not let out to license holders.

Mr. Kelly moved that said bill lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 345. An Act to amend Section 656, Chapter 32, Article IV, Sub-division II, of the Kentucky Statutes relating to Life Insurance.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 656 of the Kentucky Statutes relating to life insurance be amended by adding thereto the following, to-wit:

"When evidence shall be presented to the Insurance Commissioner or facts shall be obtained by him which show a prima facie case of the violation of this section by any such company, and in his opinion it shall be necessary to employ examiners or other persons other than those connected with his office in the work of enforcing compliance with this section, he may allow a reasonable compensation to such persons for services rendered and for expenses incurred as he may deem necessary in each case. Such allowance for services and expenses shall be approved by the Auditor of Public Accounts and paid from the fund out of which the Insurance Commissioner is paid, except, however, that when an agent, or company, is found guilty, then the expenses of such investigation are to be paid by the company."

For the purposes aforesaid the Insurance Commissioner, or his deputy, or persons making the examination or investigation, shall have free access to all the books and papers of an insurance company that relate to its business and to the books and papers kept by any of its agents and may summon and qualify a witness under oath and examine the direc-

tors, officers, agents, trustees, employees and policy-holders of any such company and any other persons, as to the violation of this section. Whosoever without justifiable cause refuses to appear and testify when so required, or obstructs the Insurance Commissioner in the discharge of his duties, shall for each offense be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding one year, so that the section as amended will read as follows:

"Sec. 656. No life insurance company doing business in Kentucky shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount or payment of premiums or rates charged for the policies of life or endowment insurance, or in the dividends or other benefit payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company or any agent thereof make any contract of insurance or agreement as to such contract, other than is plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducement whatever not specified in the policy contract of insurance. Every company, or officer or agent thereof, who shall violate the provisions of this section, shall be fined in any sum not exceeding five hundred dollars, to be recovered by action in the name of the Commonwealth, and on collection, paid into the State Treasury. When evidence shall be presented to the Insurance Commissioner or facts shall be obtained by him which show a prima facie case of the violation of this section by any such company, and in his opinion it shall be necessary to employ examiners or other persons other than those connected with his office in the work of enforcing compliance with this section, he may allow a reasonable compensation to such persons for services rendered and

for expenses incurred as he may deem necessary in each case. Such allowances for services and expenses shall be approved by the Auditor of Public Accounts and paid from the fund out of which the Insurance Commissioner is paid, except, however, that when an agent, or company, is found guilty, then the expenses of such investigation are to be paid by the company."

"For the purposes aforesaid the Insurance Commissioner or his deputy, or persons making the examination or investigation, shall have free access to all the books and papers of an insurance company that relate to its business and to the books and papers kept by any of its agents and may summon and qualify a witness under oath and examine the directors, officers, agents, trustees, employees and policyholders of any such company and any other persons, as to the violation of this section. Whosoever, without justifiable cause refuses to appear and testify when so required, or obstructs the Insurance Commissioner in the discharge of his duties, shall for each offense be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding one year."

Mr. Pumphrey moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Harry Avery	Dr. S. L. Henry	J. D. Pumphrey
Jas. W. Barrall	R.B.Hutchcraft,Jr.	Stanley F. Reed
Henry C. Blades	John A. Judy	S. M. Saufley
Joseph Boitnott	Griffin Kelly	W. A. Shawler
C. W. Burton	John H. Klette	L. M. Smith
Glover H. Cary	Dr.J.N.M'Cormack	Adam Spahn
Ed. F. Cecil	Geo. M. McDowell	W. T. Stott
Benj. L. Cox	W. T. McNally	Louis Tieman
John W. Douglas	J. R. Mount	N. C. Tilford
G. P. Durrett	Harry J. Meyers	W. M. Webb
John F. Fryer	Zach. L. Myers	John F. White
Frank C. Greene	S. Mazyck O'Brien	N. B. White
E. V. Hall	William A. Perry	Roy S. Wilson
H. H. Harrington	Dr. T. J. Poteet	
H. H. Hays	W. A. Price	

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Those who voted in the negative were—

Elmer L. Brown	W. L. Hampton	A. W. Palmer
J. G. Coke, Jr.	J. B. Harvey	Lilburn Phelps
Geo. T. Davis	W. E. Henninger	Dr. W. R. Ray
James R. Dorman	D. H. Hillman	S. H. Rogers
John Drescher	J. J. Huff	W. E. Rogers
H. C. Duffy	J. M. Johnson	B. T. Rountree
William Duffy	T. R. Jones	A. W. Sharp
M. J. Farris, Jr.	William J. Kuh	Ed. D. Stone
W. N. Flippin	John G. Miller, Jr.	M. S. Walton, Jr.
Vert C. Fraser	T. T. Mobley	James T. Webb
C. M. Gum	John E. Newman	J. D. Wills
Elwood Hamilton	C. B. Nichols	Douglas G. Wood

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Resolved, That the title thereof be as aforesaid.

Mr. Judy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Z. L. Myers moved that the vote by which Senate Bill No. 13 was rejected be reconsidered.

The yeas and nays being required on said motion by Messrs. Flippin and Stone, were as follows, viz.:

Those who voted in the affirmative were—

J. M. Billeter	John F. Fryer	A. J. Oliver
Henry C. Blades	Elwood Hamilton	William A. Perry
Joseph Boitnott	V. D. Hammond	John A. Polin
Elmer L. Brown	J. B. Harvey	W. A. Price
A. T. Bryson	W. E. Henninger	J. D. Pumphrey
C. W. Burton	John A. Judy	Stanley F. Reed
Glover H. Cary	John H. Klette	W. E. Rogers
J. G. Coke, Jr.	William J. Kuh	W. A. Shawler
Geo. T. Davis	Dr.J.N.M'Cormack	L. M. Smith
John Drescher	W. T. McNally	Adam Spahn
John C. Duffy	John G. Miller, Jr.	Louis Tieman
William Duffy	Harry J. Meyers	M. S. Walton, Jr.
Odie Duncan	Zach. L. Myers	John F. White
M. J. Farris, Jr.	C. B. Nichols	Roy S. Wilson
Ed. Frost	S. Mazyck O'Brien	—44

Those who voted in the negative were—

Harry Avery	Frank C. Greene	J. M. Johnson
Jas. W. Barrall	C. M. Gum	T. R. Jones
Ed. F. Cecil	E. V. Hall	Griffin Kelly
Benj. L. Cox	W. L. Hampton	J. C. Lay
John W. Douglas	H. H. Harrington	Simon B. Lott
H. C. Duffy	H. H. Hays	Geo. M. McDowell
G. P. Durrett	Dr. S. L. Henry	T. T. Mobley
Thomas J. Evans	D. H. Hillman	J. R. Mount
W. N. Flippin	J. J. Huff	John E. Newman
Vert C. Fraser	R.B.Hutchcraft,Jr.	A. W. Palmer

Lyman J. Parrigin	B. T. Rountree	James T. Webb
Lilburn Phelps	S. M. Saufley	W. M. Webb
Dr. T. J. Poteet	A. W. Sharp	N. B. White
Richard Radcliffe	Ed. D. Stone	J. D. Wills
Dr. W. R. Ray	W. T. Stott	M. O. Wilson
S. H. Rogers	N. C. Tilford	Douglas G. Wood

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And so said motion was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 75. An Act to amend and revise Section 66 and Sub-Section 2, 68a, of an Act of the General Assembly of the Commonwealth of Kentucky, the same being Article 3, Chapter 5, Carroll's Kentucky Statutes, 1909, relating to animals.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 66, of Article 3, Chapter 5, Carroll's Kentucky Statutes, 1909, relating to animals, be amended and revised, so that when so amended and revised said section shall read as follows:

All dogs which shall have been listed and upon which the tax shall have been paid, in accordance with the provisions of this article, shall be considered from the date of the payment of the tax, until the first day of September of the year following that in which the tax is paid, personal property for any and all purposes, and that Sub-section 2, Section 68a, be amended and revised, so that when so amended and revised, said Sub-section shall read as follows:

2. Tax $1.00—When Due and Collectible—Separate Account of.—The owner of every dog over four months of age

shall pay a license tax thereon of one dollar. All assessments of dogs under this Act shall be made as of the first day of September in each year, and shall be completed before the first day of January in each year. Said license tax shall be due and collectible as other taxes, and collected by the sheriff and reported to the Auditor and paid to the Treasurer, but the sheriff shall keep such tax on dogs separate from other funds, and so report to the Auditor and pay to the Treasurer and the Treasurer and Auditor shall keep separate accounts of such taxes by counties.

The amount collected by license tax on dogs shall be used to indemnify losses by the killing or injuring of sheep by dogs, as herein provided.

Mr. Pumphrey moved that said bill lie on the table.

Said motion was agreed to.

Mr. Lay moved that the rules be suspended.

Said motion was agreed to.

Mr. Lay moved to take from the table the motion to reconsider the vote by which said S. B. 54 was rejected.

Said motion was agreed to.

Mr. Lay moved that the vote by which S. B. 54 was rejected be reconsidered.

Said motion was agreed to.

Mr. Lay moved that the vote by which S. B. 54 was ordered to a third reading be reconsidered.

Said motion was agreed to.

Ordered that said bill be read the third time.

Said motion was agreed to.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Harry Avery	V. D. Hammond	Dr. T. J. Poteet
Jas. W. Barrall	W. E. Henninger	W. A. Price
Henry C. Blades	D. H. Hillman	J. D. Pumphrey
Joseph Boitnott	R.B.Hutchcraft,Jr.	Richard Radcliffe
Elmer L. Brown	T. R. Jones	Dr. W. R. Ray
A. T. Bryson	John A. Judy	Stanley F. Reed
C. W. Burton	William J. Kuh	S. H. Rogers
Glover H. Cary	J. C. Lay	B. T. Rountree
J. G. Coke, Jr.	C. R. Luker	S. M. Saufley
Benj. L. Cox	Dr.J.N.M'Cormack	A. W. Sharp
John W. Douglas	John McDyer	W. A. Shawler
John Drescher	W. T. McNally	L. M. Smith
John C. Duffy	John G. Miller, Jr.	Adam Spahn
William Duffy	Harry J. Meyers	W. T. Stott
Thomas J. Evans	Zach. L. Myers	Louis Tieman
M. J. Farris, Jr.	S. Mazyck O'Brien	N. C. Tilford
Vert C. Fraser	A. J. Oliver	M. S. Walton, Jr.
Ed. Frost	Lyman J. Parrigin	John F. White
John F. Fryer	Lilburn Phelps	N. B. White
Frank C. Greene	William A. Perry	Roy S. Wilson
C. M. Gum	John A. Polin	Douglas G. Wood

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Those who voted in the negative were—

Ed. F. Cecil	H. H. Harrington	T. T. Mobley
Geo. T. Davis	J. B. Harvey	J. R. Mount
H. C. Duffy	H. H. Hays	John E. Newman
Odie Duncan	Dr. S. L. Henry	A. W. Palmer
G. P. Durrett	J. J. Huff	James T. Webb
W. N. Flippin	J. M. Johnson	W. M. Webb
E. V. Hall	Griffin Kelly	J. D. Wills
Elwood Hamilton	Simon B. Lott	M. O. Wilson
W. L. Hampton	Geo. M. McDowell	—26

Resolved, That the title thereof be as aforesaid.

(For said bill see House Journal March 17th.)

Mr. Judy moved to suspend the rules, that S. B. 268 be taken up for reconsideration.

Said motion was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 17. An Act to regulate the payment of certain appropriations.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The governing authority of the State Fair, the State University, the Agricultural Experiment Station, the Pure Food Commission, the State Board of Health, the Tuberculosis Commission, the Eastern Kentucky Normal School, the Western Kentucky Normal School, the Kentucky Normal and Industrial School, colored, the Kentucky School for Deaf

and Dumb, the Kentucky Institute for the Blind, the Eastern State Hospital, the Western State Hospital, the Central State Hospital, the Feeble Minded Institute, the Home for Incurables, the Kentucky Home Society for Colored Children, the Kentucky Children's Society, the State Historical Society, the Confederate Home, or the governing authority of any other institute or enterprise to which the State appropriates money, shall not be permitted to draw the money so appropriated from the State Treasury, and any of such institutions having money in its treasury, appropriated by the State, or property due the State, at time of the passage of this Act, shall immediately pay same into the State Treasury. Any such institution which may receive money from any source whatever properly due the State of Kentucky shall be paid into the State Treasury at the end of each month by the governing authorities thereof, and no such institution shall use any money properly payable to the State for any purpose whatever, but the whole of such money shall be so covered into the State Treasury, and placed to the credit of such institution and paid out in the manner provided in this Act for the payment of such appropriations.

§ 2. It shall be the duty of the governing authority of any such institutions when any debt is incurred, at the end of the month after which said debt is incurred, to require each creditor having a claim against said institution to submit his account, or claim, to such governing authority for approval, and if same is found correct, said governing authority shall approve same, by endorsing its approval thereon. On the first day of each month such governing authority shall make out a list of all claims of every kind that have accrued during the previous month, and shall attach thereto the original account corresponding with each item on said list, and shall forward same to the Auditor, who shall audit each of said claims, and if found correct and in accordance with law, he shall draw his warrant in favor of each creditor for the

amount found due him. If the time is fixed by law or by contract when claims are payable, then they shall be presented at the time so fixed.

§ 3. All laws and parts of laws in conflict with this Act are hereby repealed.

§ 4. Because of the importance of the provisions of this Act, and the great saving it will cause to the State, an emergency is declared to exist, and it shall take effect from its passage, and approval by the Governor.

The Committee on Revenue and Taxation offered the following amendment to said bill by way of substitute therefor, viz.:

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all annual appropriations from the State Treasury be paid monthly upon itemized statements, salary lists and accounts filed by the proper officials of departments, institutions and offices with the Auditor of Public Accounts, showing to whom and for what service, material or other things such amounts are to be paid, and if these are found to be authorized by law, the Auditor shall issue his warrant to the proper official of each of such departments, institutions or offices, and it shall be the duty of such officials, and the Auditor shall require of them, to file voucher checks and receipts, corresponding in number and amounts with such itemized monthly statements, salary lists and accounts with the Auditor at the end of each year. Any department, institution or office may draw a sum equal to one-tenth of its monthly appropriation each month as a contingent expense fund, to be accounted for the succeeding month as herein provided.

§ 2. That because of the increased work in the office of

the Auditor necessary to carry out the provisions of this Act, the sum of $1,500 is hereby appropriated annually to employ an additional clerk, to be paid in the same way that other clerks in his office are paid.

§ 3. Because of the importance of this Act, and of the saving it will cause to the State Treasury, an emergency is hereby declared to exist, and it shall take effect and be in force, from and after its passage and approval by the Governor, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Said amendment by way of substitute was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended by way of substitute therefor was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows.

Those who voted in the affirmative were—

Harry Avery	H. C. Duffy	H. H. Harrington
Jas. W. Barrall	John C. Duffy	J. B. Harvey
Henry C. Blades	William Duffy	H. H. Hays
Joseph Boitnott	G. P. Durrett	D. H. Hillman
Elmer L. Brown	Thomas J. Evans	J. J. Huff
C. W. Burton	Vert C. Fraser	R.B.Hutchcraft,Jr.
Glover H. Cary	Ed. Frost	T. R. Jones
Ed. F. Cecil	John F. Fryer	Griffin Kelly
J. G. Coke, Jr.	Frank C. Greene	John H. Klette
Benj. L. Cox	E. V. Hall	William J. Kuh
James R. Dorman	W. L. Hampton	Dr.J.N.M'Cormack
John Drescher	V. D. Hammond	John McDyer

W. T. McNally	John A. Polin	W. A. Shawler
J. R. Mount	Dr. T. J. Poteet	L. M. Smith
Harry J. Meyers	W. A. Price	Adam Spahn
Zach. L. Myers	J. D. Pumphrey	W. T. Stott
John E. Newman	Richard Radcliffe	Louis Tieman
S. Mazyck O'Brien	Dr. W. R. Ray	M. S. Walton, Jr.
A. J. Oliver	Stanley F. Reed	James T. Webb
A. W. Palmer	S. H. Rogers	John F. White
Lyman J. Parrigin	B. T. Rountree	N. B. White
Lilburn Phelps	S. M. Saufley	Roy S. Wilson
William A. Perry	A. W. Sharp	Douglas G. Wood

—69

Those who voted in the negative were—

A. T. Bryson	T. T. Mobley	J. D. Wills
C. M. Gum	W. M. Webb	

—5

Resolved, That the title thereof be as aforesaid.

Mr. Walton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Oliver moved that the rules be suspended.

Said motion was agreed to.

Mr. Oliver called up for consideration from the Clerk's desk a resolution of the following title, viz.:

S. Res. 12. Resolution to pay Mrs. Biggerstaff the per diem allowance of her deceased husband.

(For said resolution see House Journal of February 11th.)

(For amendment to said resolution see House Journal of March 16th.)

The yeas and nays being taken on the adoption of said resolution, as amended, in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Joseph Boitnott	J. J. Huff	William A. Perry
Elmer L. Brown	R.B.Hutchcraft,Jr.	John A. Polin
A. T. Bryson	J. M. Johnson	J. D. Pumphrey
Ed. F. Cecil	T. R. Jones	S. H. Rogers
J. G. Coke, Jr.	John H. Klette	B. T. Rountree
Benj. L. Cox	William J. Kuh	A. W. Sharp
James R. Dorman	J. C. Lay	Adam Spahn
John Drescher	C. R. Luker	W. T. Stott
William Duffy	Dr.J.N.M'Cormack	Louis Tieman
G. P. Durrett	John McDyer	N. C. Tilford
W. N. Flippin	W. T. McNally	James T. Webb
Ed. Frost	Harry J. Meyers	W. M. Webb
Frank C. Greene	Zach. L. Myers	John F. White
C. M. Gum	S. Mazyck O'Brien	N. B. White
E. V. Hall	A. J. Oliver	Roy S. Wilson
Elwood Hamilton	A. W. Palmer	Douglas G. Wood
W. L. Hampton	Lyman J. Parrigin	
J. B. Harvey	Lilburn Phelps	—52

Those who voted in the negative were—

Harry Avery	D. H. Hillman	Dr. W. R. Ray
John C. Duffy	Griffin Kelly	J. D. Wills
Thomas J. Evans	J. R. Mount	—8

And so said resolution, as amended, was concurred in.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 11. An Act to create a workman's compensation fund and to provide a method of compensation for employes who may be injured, or the dependents of those killed in the course of their employment from said fund, to be raised and paid into the hands of the State Treasurer, as herein provided, and to define and fix the rights of employes and employers and to define the defenses that may be made by employers in actions for damages arising from death or personal injury of their employes, and to provide a method of raising said fund, and to create a Board of Commissioners to administer said fund and to define the rights, powers and duties of said Board of Commissioners.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a Board of Commissioners is hereby created to be known as "The Workmen's Compensation Board," to administer the funds for the compensation of injured workmen, and the dependents of killed workmen, as herein provided. Said Board shall consist of three members, who shall be the Attorney General, the Commissioner of Insurance, and the Commissioner of Agriculture, Labor and Statistics of the Commonwealth of Kentucky, who shall receive seventy-five dollars each, per month, payable out of the Compensation Fund.

§ 2. The Board shall keep and maintain in its main office in the City of Frankfort, Kentucky, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals, and maps for the same. All necessary expenses shall be audited and paid out of the Workmen's Compensation Fund created under this Act. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, on which shall be inserted the words: "Workmen's

Compensation Board, State of Kentucky, Official Seal." The Board may hold sessions at any place within the State. Said Board shall have the power to sue and be sued.

§ 3. The Board shall elect one of its members President, and members shall receive the amount named in Section One for their services. Their actual and necessary traveling expenses in the discharge of their duties shall be itemized and approved by the Board, and certified by the Auditor of Public Accounts, and shall be paid as now paid to other State officials. The Board shall elect a Secretary, who shall hold his office at the pleasure of the Board and who shall receive for his services an annual salary not to exceed Twenty-five Hundred ($2,500) Dollars, to be paid out of the Workmen's Compensation Fund created under this Act.

§ 4. The Board may employ actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants and fix their compensation. Such employment and compensation shall be first approved by the Governor, and shall be paid out of the Workmen's Compensation Fund created under this Act. The Secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants that may be employel hall be entitled to receive from the Workmen's Compensation Fund created under this Act their actual and necessary expenses while traveling on the business of the Board, and the members of the Board may confer with, and meet with, officers of other States and officers of the United States on matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by said Board.

§ 5. The said Board shall meet every Monday for the transaction of all business, and when necessary, the Secretary shall call this Board together to consider and transact such business as may be before it. All proceedings of the Board shall be shown on its records of proceedings, which shall be a public record and shall contain a record of each case con-

sidered and the award made, with respect thereto, and all voting shall be had by the calling of each member's name by the Secretary, and each vote shall be recorded as cast.

§ 6. A majority of the Board shall constitute a quorum for the transaction of business and vacancies shall not impair the right of the remaining members to exercise all the powers of the full Board, so long as a majority remains. Any investigation, inquiry or hearing which the Board is authorized to hold or undertake, may be held or undertaken by or before any one member of the Board. All investigations, inquiries, hearings and decisions of the Board, and every order made by a member thereof, when approved and confirmed by a majority of the members and so shown on the record of its procedings, shall be deemed to be the order of the Board.

§ 7. The Board shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notice and the service thereof, in case of accident and injury to employes, the nature and extent of the proof and evidence and the methods of taking and furnishing same, to establish the rights to benefits or compensation from the fund hereinafter provided for, the form of application of those claiming to be entitled to benefits or compensation therefrom; the methods of making physical examinations and inspections and prescribe the time within which adjudications and awards shall be made.

§ 8. Each member of the Board, the Secretary and every inspector or examiner appointed by the Board, shall, for the purpose contemplated by this Act, have power to administer oaths, certify to official acts, take depositions, issue subpoenas and compel the attendance of witnesses and the production of pertinent books, accounts, papers, records, documents and testimony.

§ 9. In the case of failure or refusal of any person to comply with the order of the commission or subpoena issued by it or one of its inspectors or examiners, or on the refusal

of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection, as aforesaid, the Circuit Judge of the county in which the person resides, on application of any member of the commission or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

§ 10. Each officer who serves a subpoena shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpoena before the commission or inspector or examiner, or before the Board, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in circuit courts, which shall be audited and paid from the Workmen's Compensation Fund, in the same manner as other expenses are audited and paid upon the presentation of proper vouchers, approved by any two members of the commission. No witness subpoenaed at the instance of a party other than the commission or an inspector, shall be entitled to compensation from the Workmen's Compensation Fund, unless the commission shall certify that his testimony was material to the matter investigated.

§ 11. In an investigation, the commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions to be used in the circuit court.

§ 12. A transcribed copy of the evidence and proceedings or any specific part thereof, or any investigation, taken by a stenographer appointed by the commission, being certified and sworn to by said stenographer to be true and correct transcript of the testimony in the investigation, or of a particular witness, or of a specific part thereof, or to be a correct transcript of the proceedings had on said investigation, so purporting to be taken and subscribed, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the facts

certified. A copy of such transcript shall be furnished on demand to pay party on payment of the fee therefor, as provided for transcripts in the circuit court.

§ 13. The Board shall prepare and furnish, free of charge, blank forms and provide in its rules for their distribution, so that the same may be readily available, of applications for benefits for compensation from the Workmen's Compensation Fund, notice to employers, proofs of injury or death, or medical attention, of employment and wage earnings, and such other blanks as may be deemed proper and advisable and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks.

§ 14. All persons, firms and corporations, regularly employing six or more persons for profit for the purpose of carrying on any form of industry hereinafter mentioned, in the State of Kentucky, are employers within the meaning of this Act and are subject to its provisions. All persons in the service of employers, as herein defined, and employed by them for the purpose of carrying on the industries hereinafter mentioned, in which they are engaged (persons casually employed, excepted), are employes within the meaning of this Act and subject to the provisions thereof; Provided, that this Act shall not apply to employers of employes in domestic or agricultural service, to employes of any employer who are employed wholly without the State, nor shall a member of a firm of employers or any officers of a corporation employer be deemed an employe within the meaning of this Act.

§ 15. The industries which are subject to this Act are classified as follows:

(1) Coal mines, including their tipples, power, light, heating and ventilating plants, tramways, private tracks and sidings and accessory and auxiliary plants, working in or with by-products.

(2) Paint manufactories, oil refineries, oil and gas wells including their pipe lines, storage, power or light plants,

tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.

(3) Iron and steel mills, including blast furnaces, smelters, tube works, rolling mills, and their accessory and auxilliary plants, working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(4) Sheet and tin plate mills, including their accessory and auxilliary plants, working in or with by-products, and plants generating power, light or heat, and tramways, private tracks or sidings.

(5) Boundaries, machine shops, firearm factories, tool factories, car building and repairing, structural iron works, and working or with iron or steel, not otherwise specified, when power driven machinery is used, together with their necessary and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(6) Stamped metal works, can factories, enamel iron works, and workings in or with sheet iron or tin plates, not otherwise specified where power driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(7) Logging—Logging railroads and tramways, saw mills, including their accessory and auxiliary plants working or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(8) Planing mills, wood pulp, cordage and paper mills, box factories, cooperage plants, furniture factories, woodenware or wood fibre ware manufactories, vehicle works of every kind, including their accessory and auxiliary plants working or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(9) Glass houses of all kinds, including manufactories of tableware, bar goods, bottles, tumblers, glass light fixtures,

parts, lamps, window and plate glass, potteries of all kinds, including tile, brick, terra cotta, fire clay, earthenware, porcelain, china, crockery-ware using automatic machinery together with accessory and auxiliary plants working or with by-products, and plants generating light or heat, and tramways, private tracks and sidings.

(9a) Glass houses of all kinds, including manufactures of tableware, bar goods, bottles, tumblers, gas light fixture parts, lamps, window and plate glass, potteries of all kinds. including tile, brick, terre cotta, fire clay, earthenware, porcelain, china and crockeryware, not using automatic machinery, together with accessory and auxiliary plants working in or with by-products and plants generating power, light or heat, and tramways, private tracks and sidings.

(10) Printing plants of all kinds, electrotyping, photoengraving, engraving, lithographing, embossing, book binding, and accessory and auxiliary lines of work and manufacture.

(11) Woolen mills, knitting mills, cotton mills, carpet and rug mills, clothing manufactories of every kind and working in or with textiles not otherwise specified.

(12) Breweries, bottling works, canneries of fruit, vegetables, oils, fish, milk or meat, manufactories of preserves, jellies, ketchup, sauces, relishes, pickles, flour and feed mills, bakeries, confectioneries, drug and extract manufactories, tobacco, cigar, and stogie cigarette manufactories, in which power driven machinery is used.

(13) Slaughter and packing houses, stock yards, soap, tallow, lard and grease manufactories, tanneries, artificial ice, and refrigerating and cold storage plants, creameries, anl carbon black factories, in which power driven machinery is used.

(14) Steam laundries, dyeing and cleaning plants, stamping, embossing and working with leather, shoes and harness manufactories, mattresses and bedding factories, upholstering factories, manufactories of rubber goods, and

auxiliary and accessory lines of work and manufacture not otherwise specified.

(15) Steam and other railroads and transportation systems not otherwise specified.

(16) Street and interurban railways, whether propelled by electricity or other power.

(17) Telegraph and telephone plants and systems, electric light and power plants and systems, steam heat and power plants and systems, water works systems, gas works and systems, grain elevators and all lighting, heating or power systems not otherwise specified.

(18) Quarries, stone crushers, gravel pits, mines, other than coal mines, and working with asphalt, cement, stone or other building material not otherwise specified, power propelled ferries, sand diggers and other water craft.

(19) Such works, occupations and manufactories specified in the foregoing eighteen classifications as are operated without power-driven machinery.

(20) Match factories, powder mills, fire-works factories, and works in which articles of an explosive nature are mixed or manufactured.

(21) Constructing of tunnels, shafts, bridges, trestles, steples, towers, grain elevators, tanks, water towers, wind mills, subaqueous works, iron or steel frame structure, or parts of structures, blast furnaces, smoke stacks, cupolas or chimney more than fifty feet high, water works and systems, electric lights and power plants and systems, gas works systems, installation of steam boilers, engines and dynamos, steam railroads, logging railroads, street railways and systems, boat building with scaffolds, floating docks, engineering works, structural work on buildings over three stories in height, not otherwise specified, and drilling of wells.

(22) Construction and installation of sewers, fire escapes, freight or passenger elevators, advertising signs, ornamental work on or in buildings, metal ceilings, plate or window glass, electrical wiring, stairways, buildings which re-

quire galvanized iron or tin work, marble, stone or brick work, roof work, slate work, plumbing work, carpenter work, electric work, installing automatic sprinklers, electric or fire alarm systems, heating or ventilating systems, or machinery not otherwise specified, covering steam pipes and boilers, road and street making, street or other grading and structural work not otherwise specified.

(23) Such works or occupations not specified in the foregoing classifications in connection with which employer and employes shall voluntarily apply to the commission for the benefit and protection of this Act. And the board shall have the power, on or before the first day of January and July of each year, to re-classify the industries subject to this Act, or to create additional classifications in accordance with their respective degrees of hazard and determine the risk or different classes and fix the rates or premiums for each class, according to the risk of same, sufficiently large to provide an adequate fund for the compensation provided for in this Act and to create a surplus sufficiently large to guarantee a workmen's compensation fund from year to year; provided that the rates so fixed shall not exceed the maximum of one dollar and twenty-five cents on each one hundred dollars of the gross annual pay roll of each employer in any class for the first year after this Act takes effect but the board may increase the rate if deemed necessary on the first day of July or January in any year. But in determining the rate of premium the board shall consider the length of time during which payment to employers or dependents under the Act may be paid; and provided that employes engaged in the same industries shall be placed in the same class. The premium required to be paid by employers shall be based on the gross annual pay roll of each employer in any class. The classification so determined and the rates of premium established, shall be applicable for such year; or portion thereof; and provided further that the purpose of this Act, the pay of any employe employed partly within and partly without the

State shall be deemed to be such proportion of the total pay of said employe as his service within this State bears to his service outside the same.

§ 16. Each employer shall furnish the Board, upon request all the information required by it to carry out the purpose of this Act. The Board or any number thereof, or any person employed by the Board for that purpose shall have the right to examine under oath, any employer or officer, agent or employe thereof.

§ 17. Within thirty days from the organization of the Board, every employer subject to this Act, shall notify the commission of such fact. The Board shall prepare blank reports for the use of and furnish same, to employers subject to this Act, and every employer receiving from the commission any blank, or blanks, with directions for filling out and returning same, shall return the same filled out, so as to answer fully and correctly all pertinent questions there propounded, and if unable to do so, shall give good and sufficient reason for such failure. Answers to such questions shall be verified under oath, and returned to the commission within the period fixed by the commission for such return.

§ 18. Every employer shall furnish the Board upon request all information required by it to carry out the purposes of this Act. In the month of January of each year, every employer subject to the Act, shall prepare and mail to the Board at its main office in the City of Frankfort, Kentucky, a statement containing the following information, viz.: The number of employes employed during the preceding year from January 1st, to December 31st, inclusive; the number of such employes employed at each kind of employment and the aggregate amount of wages paid to such employes, which information shall be furnished on a blank or blanks to be furnished by the Board to furnish such blanks to employers free of charge, upon request therefor. Every employer receiving from the Board any blanks with directions to fill out same shall cause the same to be properly filled out so as to answer

fully and correctly all pertinent questions therein propounded and to give all the information therein sought, or if unable to do so, he shall give to the Board, in writing, good and sufficient reasons for such failure. Any employer who shall fail or refuse to furnish to the Board the annual statement herein required, or who shall fail or refuse to furnish such other pertinent information as may be required by the Board, as provided by this section, shall be liable to a penalty of not exceeding five hundred dollars ($500) to be collected in a civil action brought against said employer in the name of the State. All such penalties, when collected, shall be paid into the Workmen's Compensation Fund and become a part thereof.

§ 19. The information contained in the annual report provided for in the preceding section, and such other information as may be furnished to the Board by employers, in pursuance of the provisions of any section hereof, shall be for the exclusive use and information of said Board in the discharge of its official duties, and shall not be open to the public; nor be used in any court in the action or proceeding, but the information contained in said report may be tabulated and published by the department in statistical form for the use and informaton of other State departments and the public. Any person who shall divulge any information secured by him while a member of the Board or an employe thereof in respect to the transactions, property or business of any company, firm, corporation, person, association or co-partship, to any person other than the members of the Board, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and shall thereafter be disqualified from holding any appointment or employment with the Board.

§ 20. The commission shall establish a Workmen's Compensation Fund from the premiums paid thereto by the employers based on the pay rolls of such employers that have paid the premiums applicable to the class to which they belong, and for the benefit of the dependents of such employes,

and shall adopt rules and regulations with respect in the collection, maintenance and disbursement of said fund, not in conflict with the provisions of this Act.

§ 21. The Board shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries and the disbursements on account of injuries and deaths of employes thereof and the disbursements for salaries and expenses, and it shall also keep an account of the money received from each individual employer, and the amount disbursed from the Workmen's Compensation Fund on account of injuries and death of the employes of such employers should any money remain to the credit of any class, at the end of any year, after disbursements on account of deaths of and injuries to employers of that class during such year, such remainder not exceeding ten per cent of the money paid into said fund on account of such class shall be set aside for the creation of a surplus, until the surplus shall be sufficiently large to guarantee a Workmen's Compensation Fund for such class. But claims for the benefits under this Act shall always have priority over the surplus fund.

§ 22. On the first day of July, 1915, and semi-annually thereafter, a readjustment of the rates shall be made for each of the several classes of occupation or industry, which in the judgment of the Board, have developd an average less ratio in accordance with the experience of the Board in the administration of law, as shown by the accounts kept, as provided herein.

§ 23. The Treasurer of the State shall be the custodian of the Workmen's Compensation Fund, and all disbursements therefrom shall be paid by him upon vouchers furnished the Workmen's Compensation Board, and signed by any two members of the board, or such vouchers may bear the facsimile signature of the Board members printed thereon and the signature of the Secretary of said Board.

§ 24. The State Treasurer shall give a separate and ad-

ditional bond, in such amount as may be fixed by the Governor with sureties to be approved by him conditioned on the faithful performance of his duties as custodian of the Workmen's Compensation Fund.

§ 25. The State Treasurer is hereby authorized to deposit any portion of the Workmen's Compensation Fund, not needed for immediate use, in the same manner and subject to all provisions of law with respect to the deposit of State funds by such Treasurer, and all interest earned by such portion of the Workmen's Compensation Fund as may be deposited by said Treasurer, in pursuance of authority herein given, shall be collected by him and placed to the credit of such fund.

§ 26. The Workmen's Compensation Board shall have the power to invest any surplus or reserve belonging to the Workmen's Compensation Fund, in bonds of the United States, State of Kentucky, or of any county, city, school district or taxing district of the State of Kentucky, at current market prices for such bonds, provided that such purchase be authorized by a resolution adopted by the Board and approved by the Governor.

§ 27. Every employer subject to this Act who shall elect to pay into said Workmen's Compensation Fund and receive the benefit of this Act, shall, on or before the 1st day of January, 1915, and monthly thereafter in advance, and on or before the 10th day of each month beginning March 10th, 1915, pay into said Workmen's Compensation Fund the amount of premiums so paid by each employer to be determined by the classification, rules and rates made and prepared by the Board, and a receipt or certificate, certifying that such payment has been made, shall immediately be mailed to such employer by the Workmen's Compensation Board, which receipt or certificate, attested by the seal of the Board shall be prima facie evidence of the payment of such premium.

§ 28. In order to create a fund available on the application of this Act as aforesaid on the first day of January, 1915,

the payments for the months of January, February and March, 1915, inclusive, shall be made on or before the first day of January, 1915, and be preliminarily based upon the pay roll of the operations of any three months between July, 1914, and January, 1915, to be selected by the said Board. If any employer be found to have overpaid for such three months, he may deduct such over payment from the first monthly payment made to the fund. If any employer be found to have underpaid for such three months, he shall pay the deficiency made by him after the end of said three months. Every employer electing to pay into said Workmen's Compensation Fund after January 1, 1915, shall pay into said fund three months in advance the amount of premium to be based preliminarily upon such employer's pay roll for the three months preceding the application; any over payment to be credited on his first monthly payment after the expiration of said three months and any under payment to be made up by him upon his first monthly payment as hereinbefore provided with respect to employers who elect to pay into said fund on or before January 1st, 1915; and the Board shall make proper rules and regulations to carry this provision into effect and for cases where the employer has had no payroll preceding his application.

§ 29. It shall be lawful for any employe subject to this Act, including persons under twenty-one years of age to contract with any employer subject to this Act who elects to pay the premiums herein provided to be paid into said Workmen's Compensation Fund, to accept the compensation provided to be paid to injured employes and the dependents of those killed, and to accept the benefits conferred on employes by this Act, in lieu of any cause of action which he might have, if injured, or that his representative might have if he was thereafter killed through the negligence of such employer, or the negligence of his agents, servants, officers or employes, and to waive all causes of action against such employer conferred by the Constitution or Statutes of this State or by the common

law for his injury or death, occurring through the negligence of the employer or his agents and such contract shall be binding upon the employer and upon the employe and upon his heirs, personal representatives and all persons claiming under or through him.

§ 30. Such a contract between an employe and his employer shall be conclusively presumed to have been made in every case where an employer has elected to pay into the Workmen's Compensation Fund, if said employe shall continue to work for said employer thereafter, with notice that the employer has elected to pay into said fund and the posting of printed or typewritten notices in conspicuous places about the employer's place of business at the time of the elections of such employer to pay into the Workmen's Compensation Fund that he has elected to pay into said Workmen's Compensation Fund shall constitute sufficient notice to all such employer's employes then or thereafter employed of the fact that he has made such an election, and the continuance in the service of such employers shall be deemed a waiver by the employe of his rights of action, as aforesaid. Except as provided in Section 32.

§ 31. Any employer subject to this Act, electing to pay into the Workmen's Compensation Fund, the premiums provided for by this Act, shall not be liable to respond in damages at common law or by statute for the injury or death or loss of service of any employe occurring through the negligence of such employer, or his agent, servants, officers, or employes, during any period of time in which such employer shall not be in default in the payment of such premiums. Provided, that the injured employe has remained in his service after notice is posted as provided in Section 31, that his employer has elected to pay into the Workmen's Compensation Fund the premiums provided by this Act. The continuance in the service of such employer or accepting service after such notice shall have been posted, shall be deemed a waiver

by the employe of his rights of action, as aforesaid. Except as in section 32.

§ 32. An employe prior to receiving an injury may give notice to an employer who has elected to pay into said fund, that he will not accept the benefits of this Act and waive his right of action as herein provided. Such notice shall be in writing and served on the employer as provided by the Civil Code for the service of notices, and a copy thereof shall be mailed by the employe to the Workmen's Compensation Board. If thereafter such employe shall be injured or killed while employed by such employer who has elected to pay into the said Workmen's Compensation Fund, and an action shall be instituted against such employer to recover damages for the injury of such employe, it shall be sufficient defense thereto and shall bar recovery if the injury of said employe was caused by or contributed to by the negligence of any other employe of said employer, or if the injury was due to any of the ordinary hazards, or risks of the employment, or if due to any defect in the tools, machinery, appliances, instrumentality or place of work, if the defect was known or could have been discovered by the injured employe by the exercise of ordinary care on his part, or was not known or could not have been discovered by the employer by the exercise of ordinary care in time to have prevented the injury nor in any event, if the negligence of the injured employe contributed to such injuries. But nothing herein shall deprive such employer of any defense not herein mentioned. If the employer is not in default in payment of premiums and a recovery shall be obtained against him in such action, the said Board shall pay on said judgment not exceeding a sum equal to the amount which the said injured employe or his dependents in case of death, would have been entitled to recover if he had elected to accept the benefit of this Act, and the employer shall receive credit on said payment for the payment made by the Board. Such employe, at any time, after he has elected not to accept the benefits of this

Act and waive his right of action, as in this Act provided, may withdraw such election and come under the provisions of this Act and accept its benefits and waive his right of action as herein provided, by giving written notice to his employer and to the Board; and shall thereafter occupy the same position as if he had originally elected to accept the benefits of this Act and waive his cause of action, provided, that such withdrawal of his election not to accept the benefits of this Act shall not affect claims for damages against his employer on account of injuries theretofore received; nor entitles such injured employe to be paid anything out of the Workmen's Compensation Fund on account of such prior injury.

§ 33. The Commission shall disburse the Workmen's Compensation Fund to such employes within the meaning of this Act of employers as have paid into such fund the premiums for the period in which the injury occurs, applicable to the class to which they belong that shall have received injuries in this State in the course of and resulting from their employment, or to the dependents, if any, of such employes, in case of his death, according to the provisions hereinafter made.

§ 34. All employers subject to this Act who shall elect not to pay into the Workmen's Compensation Fund the premiums provided by this Act, or having elected to pay shall be in default in the payment of same shall be liable to their employes within the meaning of this Act, for damages by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employers, and also to the personal representatives of such employe and in any action by any such employe or personal representative thereof such defendant shall not avail himself of the following defense. The defense of the fellow servant; the defense of the assumption of risk, or the defense of contributory negligence.

§ 35. The commission shall disburse and pay from the

fund in addition to any such amount as they may be entitled thereto under this act, such amounts for medical, nurse and hospital services and medicine as it may deem proper, not, however, in any case to exceed the sum of one hundred dollars ($100) in addition to such awards to such employes; payment to be made to the employer to the persons who may have furnished the services and supplies or to the persons who may have advanced payment for the same, as the commission shall deem proper. Provided, that in case any injured employe be entitled, to under contract connected with his employment, or otherwise, to hospital or medical services without further charge to him, no payment shall be made out of the Workmen's Compensation Fund for hospital or medical services.

§ 36. Notwithstanding anything hereinbefore or hereafter contained, no employe or dependent of any employe shall be entitled to receive any sum from the Workmen's Compensation Fund on account of any injury to or death of an employe caused by a self-inflicted injury, wilful misconduct or intoxication of such employe. If any injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe, the widow, widower, children or dependents of the employe shall have the privilege to take under this Act, or in lieu thereof, to have a cause of action against the employer as if this Act had not been enacted for such damages as may be sustained by such employe, his personal representative or dependent.

Provided, that if a suit is brought under this section, the right to participate in said Workmen's Compensation Fund on account of such injury, shall be waived and void as to all persons, and if a claim is made for compensation from said Workmen's Compensation Fund, all rights to sue the employer for damages for such injury shall be waived and void.

§ 37. In case death ensues from the injury received reasonable funeral expenses, not to exceed Seventy-five dollars ($75.00), shall be paid from the fund to the personal repre-

sentative of the employe, or to such other person as shall have advanced the same, in addition to such award to the employe's dependents.

§ 38. No benefit shall be allowed for one week after injury is received, except the disbursements provided for in Section 35.

§ 39. In case of temporary total disability the employe shall receive fifty per cent of his average weekly wages, so long as such disability is total, not to exceed a maximum of ($12.00) a week, and not less than a minimum of Five ($5.00) a week, unless the employe's weekly wages shall be less than Five Dollars ($5.00) a week, in which event he shall receive compensation equal to his full wages, but in no case to continue for more than six years from the date of the injury, or to exceed Three Thousand, Seven Hundred and Fifty Dollars ($3,750.00).

§ 40. In case of injury resulting in partial disability the employe shall receive fifty per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of Twelve Dollars ($12.00) a week or an aggregate sum of more than Three Thousand Seven Hundred and Fifty Dollars ($3,750.00). In cases including the following schedule, the liability in each case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified herein, to-wit:

For the loss of a thumb, fifty per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called the index finger, fifty per cent of the average weekly wages during thirty-five weeks.

For the loss of a second finger, fifty per cent of the average wages during thirty weeks.

For the loss of a fourth finger, commonly known as the little finger, fifty per cent of the average weekly wages during fifteen weeks.

The loss of the second, or distal phalange, or the thumb,

shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger, shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a matacorpal bone (bone of palm) for the correspondence thumb, finger, or fingers above, add ten weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures due to scars or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand fifty per cent of the average weekly wages during one hundred and fifty weeks.

For the loss of an arm, fifty per cent of the average weekly wages during two hundred weeks.

For the loss of one of the toes, other than the great toe, fifty per cent of the average weekly wages during ten weeks.

For the loss of the great toe, fifty per cent of the average weekly wages during thirty weeks.

The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

The loss of less than two-thirds, of any toe shall be considered equal to the loss of one-half toe.

For the loss of a foot, fifty per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, fifty per cent of the average weekly wages during one hundred weeks.

For loss of an eye, fifty per cent of the average weekly wages during one hundred weeks.

The amounts specified in this clause are all subject to the limitations as to the maximum weekly amount payable as hereinbefore specified in this action.

For the loss of a third finger, fifty per cent of average weekly wages during twenty weeks.

§ 41. In case of permanent total disability the award shall be fifty per cent of the average weekly wages and shall continue until the death of such person so totally disabled, but not to exceed a maximum of Twelve Dollars ($12.00) per week and not less than a minimum of Five Dollars ($5.00) per week, at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages.

The loss of both hands or both arms, or both feet or both legs, or both eyes, or any two thereof, shall prima facie substitute total and permanent disability to be compensated according to the prvisions of this section.

§ 42. In case the injury causes death within the period of two years, the benefits shall be in the amount and to the persons following:

Sub-sec. 1. If there are no dependents the disbursements from the Workmen's Compensation Fund shall be limited to the expense provided for in Sections 35 and 37. And the said Board shall have the sole right of action to recover from an employer who has elected to pay into said fund who is not in default in the payment of premiums for the death of an employe leaving no dependent caused by negligence of such employer or his employes or agents.

Sub-sec. 2. If there are wholly dependent persons at the time of death, the payment shall be fifty per cent of the average weekly wages and to continue for the remainder of the period between the date of death and six years after the date

of the injury and not to exceed the maximum of Three Thousand Seven Hundred and Fifty Dollars ($3,750.00) nor less than the minimum of One Thousand Five Hundred Dollars ($1,500.00).

Sub-sec. 3. If there are partly dependent persons at the time of death, the payment shall be fifty per cent of the average weekly wages and to continue for all or such portion of the period of six years after the date of injury, as the Board in such case may determine, and not to amount to more than a maximum of Three Thousand Seven Hundred and Fifty Dollars ($3,750.00).

Sub-sec. 4. The following persons shall be presumed to be wholly dependent for support on a deceased employe: (a) A wife upon a husband with whom she lives at the time of his death; (b) A child, or children under the age of sixteen years (or over sixteen years, physically or mentally incapacitated from earning) upon the parent with whom she is living at the time of the death of such parent. In all other cases the question of dependency in whole or in part shall be determined in accordance with the facts in each particular case of such employe but no persons shall be considered as a dependent unless a member of the family of the deceased employe, or bears to him the relation of widower or widow, lineal descendants, ancestor or brother or sister. The word "child" as used in this act, shall include a posthumous child, and a child legally adopted prior to the injury.

§ 43. The benefits in case of death shall be paid to such one or more of the dependents of the deceased for the benefit of all the dependents as may be determined by the Board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the Board deems it proper, and shall operate to discharge all other claims therefor. The dependent or persons to whom benefits are paid, shall apply the same to the use of the several beneficiaries thereof, according to their respective claims upon

the decedent for support in compliance with the finding and direction of the Board.

In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the Board on behalf of herself and minor children and in cases where all of the dependents are minors, the application shall be made by guardian of such minor dependent or dependents. The persons and classes of persons by this act specified shall be deemed to be the sole dependents of such employes and no other person, or class of persons shall receive any benefit from the fund hereby credited. And should any employe leave surviving him such dependent, the amount that would be due and payable to his dependents, had any survivel him, shall be paid, or credited to the Workmen's Compensation Fund, to the credit of the class to which such employe belonged.

§ 44. The average weekly wages of the injured person at the time of the injury, shall be taken as the basis upon which to compute benefits.

§ 45. Whenever the Board shall find that an employe has been injured without fault on his part while in the course of his employment, through the negligence of the employer in the failure to discharge a non-delegable duty, the Board may require such employer to pay an additional premium into said Workmen's Compensation Fund equal to an amount not exceeding ten per cent of the sum awarded by the Board to such injured employe or his dependents. Said premium shall be paid within thirty days after the order is made. Before making an order to pay such additional premium, the Board shall give ten days' notice in writing, to the employer, to show cause against the order.

§ 46. Whenever the Board shall find that an employe has received an injury in the course of his employment, through the fault of his employer in failing to comply with any Statute for the protection of employes, the Board shall fix a day on which the employer may appear before the Board

and show any cause he may have against said finding, or against the Board awarding the additional sum here provided, ten days' notice in writing, shall be given the employer of the time and place of said hearing. If no sufficient cause is shown by the employer against the finding of the Board, it shall enter an order to that effect and the employer shall, within ninety days, pay into and for the benefit of the Workmen's Compensation Fund a sum to be fixed by the Board in its order not to exceed an amount equal to twenty-five per cent of the amount awarded to the said injured employe, or his dependents, under Sections 39 to 42 of this Act. Said payment shall be made by the employer in a lump sum.

§ 47. In case any minor employe who is illegally employed shall be injured or killed, in the course of his employment, his statutory guardian or his representative, if the infant is killed, may claim compensation under the terms of this Act or sue as though this Act had not been passed. In the event claim is made for the injury or death of such infant or compensation from said Workmen's Compensation Fund, the Board shall in addition to the sum awarded and payable from the Workmen's Compensation Fund award an equal amount against the employer of said infant not to exceed the sum of two thousand ($2,000). The amount awarded against him shall be paid by the Board to the said infant or to his guardian, or representative if the infant is killed, in installment, or in a lump sum as the Board may determine as provided for the payment of awards from said Workmen's Compensation Fund. Before any order is made requiring an employe to pay any sum to the guardian or the representative of such infant, under this section of the claim, to compensation under this section notice of the time and place of the hearing of said claim by the Board, shall be given to the employer and the employer shall have the right to be heard and to introduce evidence on the question of his liability.

Provided, that a claim made to compensation from said Workmen's Compensation Fund by the guardian of the infant

or his personal representative, if the infant is killed, shall be a waiver and bar of all rights of action on account of said injury to said infant, and the institution of an action by the guardian or representative of the infant, shall be a waiver of the right to compensation from said Workmen's Compensation Fund.

§ 48. Should a further accident occur to an employe receiving periodical payments under this Act, for a temporary disability, or who has been previously the recipient of a lump sum payment under this Act, his future compensation shall be adjusted according to the other provisions of this Act with reference to the combined effect of his injuries and his past receipt of money, under this Act.

§ 49. The powers and jurisdiction of the Board, over each and every case shall be continuing, and it may from time make such modifications or changes with respect to former findings or orders with respect thereto, as in its opinion, may be justified.

§ 50. The Board, under special circumstances and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

§ 51. Compensation before payment shall be exempt from all claims of creditors and from any attachments, executions or lien, and shall be paid only to such persons as shall be entitled to take under this Act, and any assignment of such claim shall be void.

§ 52. The Board shall have full power and authority to hear and determine all questions within its jurisdiction and its decision thereon shall be final. Provided, however, in case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the complainant's right, then the claimant, within thirty days after notice of the final action of the Board, may file a petition against the Board in the circuit court of the county wherein the in-

jury was inflicted, asserting his rights therein, to participate in said fund. In such action, the Commonwealth's Attorney and the County Attorney, in the circuit court, and the Attorney General in the Court of Appeals, if the case is appealed, shall represent the Workmen's Compensation Board. Said action shall proceed as ordinary actions in the circuit court and if the court shall find and adjudge that the plaintiff is entitled to participate in such fund, the Board shall fix his compensation within the limits and under the rules prescribed in this Act. Such action shall have the same precedence on the trial dockets of the circuit court and the Court of Appeals, as election contest cases now have.

§ 53. The Workmen's Compensation Board shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided; but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this Act.

§ 54. A minor legally employed shall be deemed sui juris for the purpose of this Act, and no other person shall have any cause of action or right to compensation for an injury to such minor workmen or loss of service on account thereof, but in the event of the award of a lump sum of compensation to such minor employe, such sum shall be paid only to the legally appointed guardian of such minor.

§ 55. No agreement by an employe to waive his rights to compensation under this Act shall be valid. No agreement by an employe to pay any portion of the premium paid by his employer into the Workmen's Compensation Fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employe entitled to the benefits of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred ($100) dollars for each such offense.

§ 56. Any employe claiming the right to receive com-

pensation under this Act may be required by the Board or its chief medical examiner, to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employe, and as may be provided by the rules of the Board. If such employe refuse to submit to any such examination or obstruct the same, his right to have his claim for compensation considered, if his claim be pending before the Board, or to receive any payments for compensation theretofore granted, shall be suspended during the period of such refusal or obstruction.

§ 57. All books, records and pay rolls of the employers of the State, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the Board of any of its traveling auditors, inspectors, or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number of men employed and such other pertinent information as may be necessary for the uses and purposes of the Board in its administration of the law. Refusal on the part of any employer to submit his books, records and pay rolls for the inspection of any member of the Board or traveling auditor, inspector or assistant presenting written authority from the board, shall subject such employer to a penalty of one hundred dollars ($100) for each offense, to be collected by civil action in the name of the State and paid into the Workmen's Compensation Fund to become a part thereof.

§ 58. Any employer who fraudulently misrepresents to the Board the amount of pay roll upon which the premium under this Act is based, shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability of the Board under this section shall be enforced in a civil action by the Board and all sums collected under this section shall be paid into the Workmen's Compensation Fund.

§ 59. The provisions of this Act shall apply to employers and their employes engaged in intrastate and also

in interstate and foreign commerce for whom a rule or liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with the intrastate work may and shall be clearly separable and distinguishable from intrastate or foreign commerce, and then only when such employer and any of his workmen working only in this State, with the approval of the Board and as far as not forbidden by any Act of Congress, voluntarily accept the provisions of this Act by filing written acceptances, which, when filed with and approved by the Board, shall subject the acceptors irrevocably to the provisions of this Act to all intents and purposes and if they had been originally included in its terms, during the period or periods for which the premiums herein provided have been paid. Payment of premiums shall be on the basis of the pay roll of the workmen who accept, as aforesaid.

§ 60. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employes in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the Workmen's Compensation Board upon blanks to be procured from the Board for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employe, and shall state the time, the nature and cause of injury and such other pertinent information as may be required by the Board. Any employer who refuses or neglects to make any report required by this section, shall be punished by a fine of not more than five hundred dollars ($500) for each offense. An injured employe, if he is able so as to do, and the attending physician, whether the injury results in the death of such employe or not, and within one week from the time of such injury or death, shall give written notice to the employer and the Board of such injury, stating the nature and extent thereof, the time and place of its

occurrence, the name, address, and occupation of such injured employe, and the names and addresses of the persons present at the time of the injury, so far as such names and addresses are known, or can be obtained. Any employes or physician failing or refusing to make report as by this section required, shall be punished by a fine not exceding twenty-five dollars ($25.00). And the Board may in its discretion, if such injured employe, or his dependents are subsequently found to be entitled to any payments out of the compensation fund, deduct any amount, not exceeding said sum of twenty-five dollars ($25.00) from the benefits payable hereunder, or from the amount that might otherwise be paid to said attending physician, should such physician fail to make such report.

§ 61. Upon the request of the Board, the Attorney General, or under his direction, the County or Commonwealth Attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this Act, or for the recovery of any money due the Workmen's Compensation Fund, or any penalty herein provided for, arising within the county in which he was elected and shall defend in like manner all suits, actions or proceedings brought against the Board or the members thereof, in their official capacity.

§ 62. All judgments contained in any action prosecuted by the Board under the authority of this Act, shall have the same preference against the assets of the employer as it now or may be hereafter allowed by law on judgments rendered for claims for taxes.

§ 63. If any employer shall default in any payment required to be made by him to the Workmen's Compensation Fund, the amount due by him shall be collected by civil action against him in the name of the Board as plaintiff. Such actions may be brought either in the Franklin Circuit Court or in the Circuit Court in the county in which the defendant resides or has his principal place of business.

§ 64. Annually on or before the 15th day of December

such Board shall make a report to the Governor for the preceding fiscal year, which shall include a statement of the number of awards made by it, a general statement of the cause of accident leading to the injuries for which the awards were made and detailed statement of the disbursements from the expense fund and the condition of its respective funds, together with any other information which the Board deems proper to call to the attention of the Governor, including any recommendations it may have to make, and it shall be the duty of the Board from time to time to publish and distribute among employers and employes such general information as to the business transacted by the department as in its judgment may be useful.

§ 65. The Board shall cause to be printed in proper form for distribution to the public, its classifications, rates, regulations and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such classifications, rates, rules, regulations and rules of procedure are printed ready for distribution to all who may apply for same, shall be sufficient publication of the same, as required by this Act.

§ 66. If any employer shall be adjudged to be outside the lawful scope of this Act, the Act shall not apply to him or his employes; or if the employe shall be adjudicated to be outside the lawful scope of this Act, because of the remoteness of his work from the hazard of his employer's work, such adjudication shall not impair the validity of this Act in other respects, and every such case as accounting, according with the justice of the case, shall be had of the moneys received. If the provisions of this Act for the creation of the fund or the provision of the Act authorizing employes to waive causes of action against employers for injuries received in the course of their employment and making the compensation to the employes and their beneficiaries provided in this Act exclusive of any other remedy on the part of the employe, shall be held invalid, the entire Act shall thereby be invali-

dated and an accounting to the justice of the case shall be had of money received. In other respects an adjudication of the invalidity of any part of this Act shall not affect the validity of this Act as a whole or any part thereof.

§ 67. If a single establishment or works comprises several occupations listed in Section 15 in different risk classes the premiums shall be computed according to the pay roll of each occupation if the occupations are clearly separable; otherwise an average rate of premium shall be charged for the entire establishment taking into consideration the number of employes and the relative hazards of the employes in the several occupations.

§ 68. If the employe of an employer who has elected to accept the provisions of this Act, is injured by the negligence or wrong of another person not in the same employment as the injured employe, or if death resulted from the injury, his dependents, as the case may be, shall elect whether to take under act or seek a remedy against such other persons, such election to be in advance of instituting any suit; and, if he take under this act, the cause of action against such other person shall be and is hereby assigned to the Board for the benefit of the compensation fund; if the other choice is made, the compensation fund shall contribute only the deficiency, if any, between the amount of the recovery against such third person actually collected and the amount of compensation provided by this Act for such case.

If such injury is due to the joint negligence of his employer and any other person not in the same employment, and the injured employe, or in case of death resulting from the injury, his dependents as the case may be shall have elected to take compensation under this Act, the causes of action against the other joint tort feasor shall be and is hereby assigned to the Board for the benefit of the compensation fund.

Any cause of action, so assigned to the Board, may be prosecuted or compromised, in the discretion of the Board. Any compromise by the injured employe or his dependent, in

the case of death, of any such suit, which would leave a deficiency to be made good out of the compensation fund, shall be made only with the written approval of the Board.

§ 69. This Act shall not affect any action pending or cause of action existing on the 31st day of December, 1914.

§ 70. Notwithstanding anything in this Act, any employer filing notice with the Workmen's Compensation Board, of his intention so to do, and upon furnishing satisfactory proof to said Board of his solvency and financial ability to pay the compensation and benefits herein before provided, may make said payments direct to his employes as they may be entitled to receive same under the terms and conditions of this Act, and any employer electing to administer the compensation fund direct to his employes shall have the benefit of all the provisions of this Act as though said fund were paid into and administered by said Board.

§ 71. Nothing in this Act shall prevent any employer carrying his own risk from insuring his liability in any liability company authorized to do business in this State, provided the amounts to be paid are not less than that provided in this Act.

§ 72. In case any employer carrying his own risk cannot agree with an employe on the payments as provided for in this Act, such employe shall have the right to submit his claim in writing within sixty days to the Workmen's Compensation Board, and it shall be the duty of the Board to delegate one of its members to investigate said claim and endeavor under the provisions of this Act to reach a satisfactory settlement of the claim. In event the final action of the members of the Board denies the right of the claimant to participate in the fund as provided in Section 52, then the claimant may proceed as provided in Section 52, and compensation, if awarded the claimant, shall be fixed as provided in Section 52, and in the event the employer feels that the award should not have been granted, he shall have the right of ap-

peal to the circuit court and from the circuit court as in other cases.

§ 73. The application of this Act, as between employers and employe, shall date from and include the first day of January, 1913.

§ 74. Every employer subject to this Act who shall on or before November 1, 1914, elect not to pay into said Workmen's Compensation Fund and receive the benefits hereof, shall on or before the first day of November, 1914, so notify the Board in writing, and any such employer not so notifying the Board shall on or before January 1st, 1915, pay into the fund the premiums as provided in Section 27, hereof. Employers who elect to accept the benefits hereof, and pay into said Workmen's Compensation Fund, may at the time fixed for making any such payment, withdraw from the benefits hereof, and thereafter be relieved from further payments, but notice of such withdrawal shall be served on the Board and posted by written or printed notices in at least three conspicuous places about his plant. Such employer may, however, at any time thereafter again elect to come under the provisions hereof by making payment of premium and posting notices as originally required. If any employes of an employer not entitled to the benefits hereof, or the dependents of such employe in case of his death, shall make application to the Board for benefits hereunder, it shall be the duty of the Board to at once notify such employe, or his dependents of the fact that such employer is not entitled to the benefits of this Act.

§ 75. Applications for benefits, hereunder, shall be made by the injured employe or his dependents, within one year from the time of the injury, and if not so made within said time, shall thereafter be barred and not allowed by the Board.

Members of "The Workmen's Compensation Board" shall be considered as officers, and shall take the oath prescribed by the Constitution and laws of Kentucky, and shall

give bond for the faithful performance of their duties, which bonds shall be approved by the Governor and kept on file in the office of the Secretary of State, and any action on said bonds for breach thereof shall be instituted by special counsel employed by the Governor and shall be in the name of the Commonwealth.

Mr. Coke offered the following amendment to said bill:

Amend Section 15, Sub-section 23, lines 116-120 by striking out the following words thereof, "Provided that the rates so fixed shall not exceed the maximum of one dollar and twenty-five cents on each one hundred dollars on the gross annual pay roll of each employer in any class for the first year after this act takes effect."

Said amendment was disagreed to.

Mr. Walton offered the following amendment to said bill:

Amend S. B. 11 by striking out in Section 1, line 7, beginning with the word "who" and ending with the word "fund."

Said amendment was disagreed to.

Mr. H. J. Meyers moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Jas. W. Barrall	J. B. Harvey	Zach. L. Myers
Joseph Boitnott	H. H. Hays	S. Mazyck O'Brien
Elmer L. Brown	D. H. Hillman	William A. Perry
C. W. Burton	J. J. Huff	Dr. T. J. Poteet
Glover H. Cary	R.B.Hutchcraft,Jr.	W. A. Price
J. G. Coke, Jr.	J. M. Johnson	Richard Radcliffe
Geo. T. Davis	T. R. Jones	Stanley F. Reed
James R. Dorman	John A. Judy	S. H. Rogers
John W. Douglas	Griffin Kelly	S. M. Saufley
John Drescher	John H. Klette	A. W. Sharp
John C. Duffy	William J. Kuh	W. A. Shawler
William Duffy	J. C. Lay	L. M. Smith
Odie Duncan	Simon B. Lott	Adam Spahn
G. P. Durrett	C. R. Luker	Ed. D. Stone
Thomas J. Evans	Dr.J.N.M'Cormack	Louis Tieman
W. N. Flippin	Geo. M. McDowell	N. C. Tilford
Ed. Frost	John McDyer	James T. Webb
Frank C. Greene	W. T. McNally	W. M. Webb
C. M. Gum	John G. Miller, Jr.	John F. White
Elwood Hamilton	T. T. Mobley	Roy S. Wilson
V. D. Hammond	Harry J. Meyers	Douglas G. Wood

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Those voting in the negative were—

A. T. Bryson	E. V. Hall	Dr. W. R. Ray
Ed. F. Cecil	W. L. Hampton	W. E. Rogers
Benj. L. Cox	J. R. Mount	M. S. Walton, Jr.
H. C. Duffy	John E. Newman	J. D. Wills
M. J. Farris, Jr.	A. W. Palmer	
Vert C. Fraser	J. D. Pumphrey	

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Resolved, That the title thereof be as aforesaid.

Mr. H. J. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title, viz.:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

With amendments thereto.

The House took up for consideration a bill entitled:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

Together with the amendments proposed thereto by the Senate.

(For said bill see House Journal of March 9th.)

The amendments proposed thereto by the Senate are as follows:

Amend. 1. Amend section two, lines 9 and 10, by striking out "And such carriers are required to carry such excess baggage with the passenger."

Amend. 2. Amend section one, lines 2 and 3, by striking out the words: "Four thousand dollars per year per mile gross, from all sources on its said road;" and in lieu thereof insert the following: "Two thousand five hundred dollars per year per mile gross, from the operation of passenger trains on any division or branch of said road."

Amend. 3. Amend by adding at the end of section 6 the following: "Provided that the provisions of this act shall not apply to narrow gauge railroads."

Amend. 4. Strike out from section 4 thereof the following: "Beginning with the word 'No.' in line 1, all that part of said section down to and including the word 'pounds' in line 3, and substitute therefor the following: 'Excess baggage is to be charged for on a basis of sixteen and two-thirds per centum of the adult passenger fare per hundred pounds.' "

Amend. 5. Amend House Bill 35 by adding to section 5 at the end thereof, the following: "Provided that nothing in this act shall apply to any railroad or branch line less than fifty miles in length."

Amend. 6. Amend House Bill 35, section 1, by striking therefrom the following: Beginning with the word "four" in line 20, all that part of said section down to and including the word "road," in line 21, and substitute in lieu thereof the following: "Two thousand five hundred per year per mile gross, from the operation of passenger trains on any division or branch of its said road."

Said amendments were not concurred in.

Mr. Speaker Terrell, from the floor of the House, moved that the House notify the Senate that the House had refused to concur in the Senate amendments proposed to said H. B. 35.

Said motion was agreed to.

The Senate was notified that the House refused to concur in amendments proposed by the Senate to H. B. 35.

Thereupon the Senate notified the House that the Senate refused to recede from the amendments proposed by the Senate to H. B. 35, and asked for a conference with the House as to said Senate amendments.

Mr. Speaker Terrell, from the floor of the House, moved that a conference committee of three from the House be appointed to confer with a like committee from the Senate on House Bill 35 and amendments proposed thereto by that body.

Said motion was agreed to.

In accordance with said motion, Messrs. Claude B. Terrell, Frank C. Greene and John E. Newman were appointed as such committee.

After a time, Mr. Claude B. Terrell, Chairman of the Conference Committee, appointed by the House to confer with a like committee from the Senate, reported to the House that said committees had conferred on H. B. 35 and amendments proposed thereto by the Senate, and that the Senate had receded from the amendments proposed by that body to House Bill 35; that in lieu of said amendments first proposed by the Senate to H. B. 35, the following amendments are now proposed to H. B. 35 by the Senate, which are agreed to by House Conference Committee, viz.:

Amendments proposed to House Bill 35 by the Senate:

Strike out from section 4 thereof the following: Beginning with the word "No" in line 1, all that part of said sec-

tion down to and including the word "pounds" in line 4, and substitute therefor the following: "Excess baggage is to be charged for on a basis of sixteen and two-thirds per centum of the adult passenger fare per hundred pounds."

Amend House Bill 35 by adding to section 5 at the end thereof, the following: "Provided that nothing in this act shall apply to any railroad or branch line less than fifty miles in length."

Amend by striking out the word "with" in line 12, Section 2, of H. B. 35, and insert in lieu thereof the word "for."

Mr. Saufley moved that the House concur in Senate amendments to H. B. 35, reported by special Conference Committee.

Said motion was agreed to.

Said amendments proposed by the Senate to H. B. 35, and agreed to by the Special Conference Committees of the House and Senate, were then concurred in.

Said bill as amended was then finally passed.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	J. G. Coke, Jr.	William Duffy
Jas. W. Barrall	Benj. L. Cox	Odie Duncan
J. M. Billeter	Geo. T. Davis	G. P. Durrett
Henry C. Blades	James R. Dorman	Thomas J. Evans
Elmer L. Brown	John W. Douglas	M. J. Farris, Jr.
Glover H. Cary	John C. Duffy	Vert C. Fraser

C. M. Gum	Griffin Kelly	Richard Radcliffe
E. V. Hall	William J. Kuh	Stanley F. Reed
Elwood Hamilton	Simon B. Lott	S. H. Rogers
W. L. Hampton	C. R. Luker	W. E. Rogers
V. D. Hammond	Dr.J.N.M'Cormack	B. T. Rountree
J. B. Harvey	Geo. M. McDowell	S. M. Saufley
H. H. Hays	W. T. McNally	A. W. Sharp
W. E. Henninger	John G. Miller, Jr.	W. A. Shawler
D. H. Hillman	T. T. Mobley	L. M. Smith
J. J. Huff	John E. Newman	Adam Spahn
R.B.Hutchcraft,Jr.	S. Mazyck O'Brien	Louis Tieman
J. M. Johnson	Lilburn Phelps	N. C. Tilford
T. R. Jones	William A. Perry	John F. White
John A. Judy	John A. Polin	
John H. Klette	W. A. Price	—61

A message was received from the Senate announcing that they had passed a bill originating in the House of the following title, viz.:

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

With amendments thereto.

The House took up for consideration a bill entitled:

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

Together with amendments proposed thereto by the Senate.

(For said bill see House Journal of March 12th.)

The amendments proposed thereto by the Senate are as follows:

Amend Section 34 of House Bill 242 in Senate by striking out the whole of section 34 and inserting in lieu thereof the following:

34. *Appointment of Commissioner of Motor Vehicles.*—There is hereby created the office of Commissioner of Motor Vehicles. The Commissioner of Motor Vehicles shall be appointed by the Board of Sinking Fund Commissioners for a term of four years, and the first term shall begin on July 1, 1914. The Commissioner of Motor Vehicles shall have his office with the Secretary of State and his department shall be one of the branches of the department of the State. The said Commissioner shall have the power to appoint one deputy commissioner and one stenographer who shall hold office at his pleasure. It shall be the duty of the Commissioner of Motor Vehicles and his deputy to see that the provisions of the law are enforced and to perform all the duties imposed upon the commissioner by the provisions of this act. If it is necessary in the performance of the official duties for the commissioner or his deputy to leave the seat of government they shall be allowed their actual necessary expenses while in the performance of all such duties, and all such expenses shall be paid upon an itemized statement duly verified by the person incurring the expense, after the same has been approved by the attorney general. The total expense for the clerical and executive force necessary for the carrying of this act into effect, and for the proper enforcement of this law shall not exceed the sum of one dollar ($1.00) for each motor vehicle registered under this act, and the said compensation of the clerical and executive force shall be fixed by the Sinking Fund Commission of the Commonwealth, as soon as this act shall become effective. The salaries of these officials shall be paid in the same manner as the other State officials, but the amount of the salaries shall be paid out of the fees received by this department, and no part of the expenses of this department shall be paid in

any other manner except from fees collected under the provisions of this act.

Amend Section 18 by adding to said section the following: "And at Covington on the first Monday in May in each year.".

Said amendments were concurred in.

Said bill as amended was then finally passed.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Harry Avery	R.B.Hutchcraft,Jr.	Lilburn Phelps
Henry C. Blades	T. R. Jones	W. A. Price
Joseph Boitnott	John A. Judy	Richard Radcliffe
Elmer L. Brown	Griffin Kelly	Dr. W. R. Ray
C. W. Burton	John H. Klette	W. E. Rogers
Glover H. Cary	William J. Kuh	A. W. Sharp
J. G. Coke, Jr.	J. C. Lay	L. M. Smith
Benj. L. Cox	C. R. Luker	Ed. D. Stone
G. P. Durrett	Dr.J.N.M'Cormack	Louis Tieman
Thomas J. Evans	Geo. M. McDowell	N. C. Tilford
W. N. Flippin	John McDyer	James T. Webb
Vert C. Fraser	W. T. McNally	W. M. Webb
Ed. Frost	T. T. Mobley	John F. White
C. M. Gum	Harry J. Meyers	N. B. White
E. V. Hall	John E. Newman	M. O. Wilson
Elwood Hamilton	S. Mazyck O'Brien	Douglas G. Wood
W. L. Hampton	A. W. Palmer	
J. B. Harvey	Lyman J. Parrigin	—52

Those voting in the negative were—

H. C. Duffy	H. H. Hays	S. H. Rogers
M. J. Farris, Jr.	J. R. Mount	M. S. Walton, Jr.
H. H. Harrington	Stanley F. Reed	—8

A message was received from the Senate announcing that they had passed a bill originating in the House of the following title, viz.:

H. B. 320. An Act changing the time for the sessions of Circuit Courts of the Fourteenth Judicial District.

With an amendment thereto by way of substitute therefor.

The House took up for consideration a bill entitled:

H. B. 320. An Act changing the times for the sessions of Circuit Courts of the Fourteenth Judicial District.

Together with the amendment as proposed by the Senate thereto by way of substitute therefor.

(For said bill see House Journal of February 17th.)

Said substitute amendment as proposed therefor by the Senate is as follows:

An Act changing the times for the sessions of Circuit Courts of the Fourteenth Circuit Court District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of Section 965 of Carroll's Kentucky Statutes of 1909 as relates to the Fourteenth Circuit Court District be and the same is hereby amended by striking out the whole of the following portion thereof, viz.:

"Fourteenth District—Franklin County, at Frankfort, on the first Mondays in January and April, twenty-four juridical days each, and second Monday in September, eighteen juridical days. Woodford County, at Versailles, on the fourth Mondays in February and May, twelve juridical days each, and fourth Monday in October, eighteen juridical days. Scott County, at Georgetown, on the first Mondays in February, May and October, eighteen juridical days each. Bourbon County, at Paris, on the second Mondays in March and June, fourth Monday in November, eighteen juridical days each," and in lieu thereof inserting the following:

"Fourteenth District—Franklin County, at Frankfort, on the first Monday in January, twenty-four juridical days, first Monday in April, thirty juridical days, first Monday in September, twenty-four juridical days, and the first Monday after the close of the November term in Bourbon County, eighteen juridical days. Scott County, at Georgetown on the first Mondays in February and October, and the fourth Monday in May, eighteen juridical days each. Woodford County, at Versailles, on the fourth Mondays in February and October, and the second Monday in May, twelve juridical days each. Bourbon County, at Paris, on the second Mondays in March and November, eighteen juridical days each, and the third Monday in June, twelve juridical days."

So that said portion of said section as amended and reenacted will read as follows:

Fourteenth District—Franklin County, at Frankfort, on the first Monday in January, twenty-four juridical days, first Monday in April, thirty juridical days, first Monday in September, twenty-four juridical days, and the first Monday after the close of the November term in Bourbon County, eighteen juridical days. Scott County, at Georgetown, on the first Mondays in February and October, and the fourth Monday in May, eighteen juridical days each.

Woodford County, at Versailles, on the fourth Mondays in February and October and the second Monday in May, twelve juridical days each.

Bourbon County, at Paris, on the second Mondays in March and November, eighteen juridical days each, and the third Monday in June, twelve juridical days.

Said substitute was concurred in.

Said bill was then finally passed as amended.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, namely:

Those voting in the affirmative were—

Harry Avery	H. H. Hays	Lyman J. Parrigin
Henry C. Blades	J. J. Huff	Lilburn Phelps
Joseph Boitnott	R.B.Hutchcraft,Jr.	William A. Perry
A. T. Bryson	J. M. Johnson	John A. Polin
C. W. Burton	T. R. Jones	W. A. Price
Glover H. Cary	John A. Judy	Richard Radcliffe
J. G. Coke, Jr.	Griffin Kelly	Dr. W. R. Ray
Benj. L. Cox	John H. Klette	Stanley F. Reed
Geo. T. Davis	William J. Kuh	S. H. Rogers
John Drescher	J. C. Lay	W. E. Rogers
H. C. Duffy	Simon B. Lott	B. T. Rountree
John C. Duffy	C. R. Luker	S. M. Saufley
Odie Duncan	Dr.J.N.M'Cormack	L. M. Smith
G. P. Durrett	Geo. M. McDowell	N. C. Tilford
M. J. Farris, Jr.	John G. Miller, Jr.	M. S. Walton, Jr.
Vert C. Fraser	T. T. Mobley	James T. Webb
E. V. Hall	J. R. Mount	W. M. Webb
Elwood Hamilton	Harry J. Meyers	John F. White
W. L. Hampton	John E. Newman	J. D. Wills
J. B. Harvey	S. Mazyck O'Brien	—59

There voted in the negative—

C. M. Gum —1

A message was received from the Senate announcing that they had passed bills, and concurred in resolutions, which originated in the House, of the following titles, viz.:

H. B. 297. An Act to repeal Section 1297, of the Kentucky Statutes of 1909, relating to the working of prisoners on public work and roads and to substitute therefor.

H. Res. 40. Resolution authorizing the acceptance of the offer of the Bronze Memorial Company of Chicago, Illinois, to make for Kentucky one hundred engraved bronze portraits of our distinguished dead.

H. Res. 28. Resolution by the General Assembly urging the members of Congress from Kentucky to use their influence toward having National Government accept property of Lincoln Farm Association.

H. B. 358. An Act to regulate the tax on inheritances and to amend Section 4281a and 4281m, Article 19, Chapter 108 of the Kentucky Statutes, Carroll's Edition 1909.

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and Sections 4501 to 4503 inclusive, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition 1909, relating to the examination and qualification of teachers.

H. B. 189. An Act to repeal an Act entitled an Act re-

lating to the weights, measures and balances and the appointment of Inspector of Weights and Measures for counties, being Chapter 90, Acts 1912.

H. B. 82. An Act to punish derogatory statements affecting any bank, savings bank or trust company.

H. B. 583. An Act to provide transportation for County Road Engineers and Committees of the Fiscal Court and making automobile trucks a part of road equipment.

(And that they had concurred in House amendments to S. Res. 12, and House amendments to S. B. 17.)

H. B. 552. An Act appropriating money for the proper care of the State Capitol, Capitol Grounds and Governor's Mansion.

H. B. 559. An Act declaring certain public roads public works of the State of Kentucky.

H. B. 524. An Act to provide for the election of alumni members to the Board of Trustees of the State University, Lexington, Kentucky, and for the appointment of such alumni members on the Executive Committee of the University.

H. B. 473. An Act to amend and re-enact Section 3096 of the Kentucky Statutes, relating to the improvement of streets, public ways, grounds and sidewalks in cities of the second class.

H. B. 38. An Act relating to the poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

H. B. 87. An Act relating to the equipment and regulation of hotels and restaurants, defining the same and relating to the inspection thereof, providing for penalties for violations of this act.

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky Institutions of higher learning by the State Board of Education, and to provide for the recognition of certificates from other States by reciprocity.

H. B. 109. An Act to amend an Act entitled, a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health and to prevent the spread of contageous diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof, which was approved March 22, 1904.

H. B. 280. An Act to amend Chapter 60, Session Acts 1910, entitled, An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky, and to provide greater protection to the live stock industry of the State and to increase the number of members on the Live Stock Sanitary Board, and to enlarge the powers of said board, and to amend Article 2, Chapter 5 of the Kentucky Statutes, relating to diseases of domestic animals.

H. B. 77. An Act to amend an Act entitled an Act for the government of cities of the fourth class in the Commonwealth of Kentucky, which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended all of which said Acts and amendments now appear in Article 5 of Chapter 89 of the Kentucky Statutes, John D. Carroll's Edition thereof in 1909, whereby cities of the fourth class may go under the Commission Form of Government.

H. B. 258. An Act repealing Section 4217, Kentucky Statutes, and amending Section 4224 of the Kentucky Statutes, providing for the license of certain class of temporary or transient merchants doing business in any county in this State, defining the same and the manner of issuing license, regulating the advertising and representation of such merchants and providing penalties for the violation thereof.

H. B. 444. An Act to amend Section 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

H. Res. 30. Resolution appropriating $131.83 to be paid the State Journal Company for printing 5,000 copies of Tax Commission Report.

H. Res. 32. Resolution for the benefit of Judge John T. Hodge, of Newport, Campbell County, Kentucky.

H. Res. 35. Resolution to authorize Thomas C. Holloway, late Major in Medical Corps of the Kentucky State Guard, to sue the Commonwealth of Kentucky in the Franklin Circuit Court, for the balance due him for services rendered to two members of the militia.

H. Res. 36. Resolution providing for furnishing Kentucky Directories.

H. Res. 38. Resolution appropriating $125.00 for the repair of the monument of General Zachary Taylor, property of the Commonwealth of Kentucky.

H. Res. 39. Resolution authorizing the Auditor of Public Accounts to pay to A. E. Barrett the sum of $253.80 for teaching.

Mr. Radcliffe, of the Committee on Enrollments, re-

ported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. Res. 28. Resolution for the benefit of Mrs. J. W. Berkshire.

S. B. 63. An Act to repeal and re-enact an Act entitled, "An Act granting pensions to indigent and disabled Confederate Soldiers," which Act became a law March 1, 1912.

S. B. 91. An Act to regulate the labor and employment of children and miners and to make the provision thereof effective.

S. B. 141. An Act fixing the jurisdiction of County Judges and Justices of the Peace in Criminal Cases.

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912 relating to the incorporation of Banks, combined Banks and Trust Companies, and to amend Section six of said act by providing for the employment of additional Bank Examiner.

S. B. 258. An Act to create the Sixteenth, Nineteenth, Twenty-eighth and Twenty-ninth Senatorial Districts.

S. B. 269. An Act relating to liens of employes and materialmen on property of railroads and other improvement companies.

Whereupon all other busness was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 321. An Act further regulating the operation of coal mines, to provide a more efficient supervision and regulation of such mines, to provide for the appointment of two additional inspectors; to fix the salaries of the Chief Inspector and the assistant inspector of mines and to otherwise provide greater protection to the lives and health of persons employed in and about the coal mines in this State.

S. B. 11. An Act to create a workman's compensation fund and to provide a method of compensation for employes who may be injured, or the dependents of those killed in the course of their employment from said fund, to be raised and paid into the hands of the State Treasurer, as herein provided, and to define and fix the rights of employes and employers and to define the defenses that may be made by employers in actions for damages arising from death or personal injury of their employes, and to provide a method of raising said fund, and to create a board of commissioners

to administer said fund and to define the rights, powers and duties of said Board of Commissioners.

S. B. 17. An Act to regulate the payment of certain appropriations.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 31. An Act to provide a deputy or clerk for the coroner of counties in the Commonwealth having a population of two hundred thousand or over.

S. B. 39. An Act defining public roads, providing for their establishment, regulation, use and maintenance, and creating the office of County Road Engineer and prescribing the duties thereof.

S. B. 238. An Act to amend Section 171 of the Constitution of Kentucky.

S. B. 246. An Act to amend Section 965 of Sub-division 1 of Article 2 of Chapter 35 of the Kentucky Statutes, Carroll's Edition 1909, and the amendment to said Act which became a law March 14, 1912, in so far as said section and amendment applies to holding circuit courts in the counties of Lee, Estill, Breathitt and Wolfe in the 23rd Judicial District.

S. B. 358. An Act to amend Section 747, Sub-division 8, Chapter 32 of the Kentucky Statutes, relating to salary of Insurance Commissioner, Deputy and Clerks.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House anl which have been signed

by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 345. An Act to amend Section 656, Chapter 32, Article 4, Sub-division 2 of Kentucky Statutes, relating to life insurance.

S. B. 326. An Act to repeal and re-enact Section 3076 of the Kentucky Statutes, relating to the power to grant licenses and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

S. B. 250. An Act to repeal Chapter 118 of the Acts of 1910, and Sub-sections 3, 4 and 5 of Section 20 of Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20 of Chapter 65a of the Kentucky Statutes, 1909 Edition, to provide for the maintenance of the House of Reform for boys and the House of Reform for girls and the inmates thereof and to provide for the payment into the State Treasury of the revenues derived from said houses of reform.

S. B. 153. An Act to amend Section 3290 in Subdivision 2, Article 4, Chapter 89, Kentucky Statutes, and providing for the oiling of streets in cities of the third class.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory at Frankfort, Kentucky, and the Kentucky Penitentiary at Eddyville, Kentucky, for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky State Reformatory and the Kentucky Penitentiary; and declaring the lands so leased public works of the Commonwealth of Kentucky.

S. B. 54. An Act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges and State farms.

S. B. 2. An Act to amend Sections 4464, 4464a, 4480, 4482, Article 10, Kentucky Statutes, Carroll's Edition 1909, and repealing Section 4464b thereof and amending said Article 10, of said Statutes relating to schools by adding thereto Section 4500b.

S. B. 267. An Act to amend Section 1 of an Act entitled, an Act to amend an Act entitled an Act for the government of cities of the first class, approved July 1st, 1893, approved March 21, 1906, and being Section 2833, Kentucky Statutes.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 270. An Act requiring tobaccco warehousemen handling loose leaf tobacco to post on their premises the number of pounds and the price thereof of each day's sales and prescribing penalties.

S. Res. 29. Resolution to pay ministers of Frankfort for their services in opening Senate and House of Representatives with prayer.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 15. An Act to secure the registration of plumbers

and the supervision and inspection of plumbing and drainage in cities of the first class.

S. B. 25. An Act to repeal Section 950 of the Kentucky Statutes.

S. B. 76. An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a National Forest Reserve in said State.

S. B. 77. An Act to amend an Act entitled, "An Act for the government of cities of the third class in the Commonwealth of Kentucky," which was approved June 14, 1893, and thereafter in due course became a law, and as such has since been amended, all of which said Acts and amendments now appear as Article 4, Chapter 89 of the Kentucky Statutes, of John D. Carroll's Edition thereof in 1909.

S. B. 94. An Act to further regulate the admission of inmates to the House of Reform.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 121. An Act to amend an Act entitled an Act for the creation and regulation of private corporations, being an Act relating to the subject of insurance and the transaction of the business of Life and Casualty Insurance or both Life and Casualty Insurance upon the co-operative or assessment plan.

S. B. 130. An Act to amend Section 3 of Chapter 72 of the Acts of 1910.

S. B. 148. An Act concerning illiteracy in the State of Kentucky and to provide for the creation of a Commission to be known as the Kentucky Illiteracy Commission, and to provide for the duties and powers thereof.

S. B. 179. An Act to amend Section 2 of an Act entitled, an Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal, fixing their powers and duties, also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal, which was approved March 11, 1912.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 199. An Act relating to the sale and use of tobacco and cigarettes and providing punishment for the violation thereof.

S. B. 215. An Act to repeal an Act entitled, An Act to amend the charter of the Twelve Mile Turnpike Company, approved January 22, 1867, and is Chapter 1069 of the Session Acts of 1867 and is Chapter 62 of the Session Acts of 1898.

S. B. 217. An Act authorizing the Commissioners of the Sinking Fund of Kentucky to sell and convey the house and ground known as the Governor's old mansion, and appropriating money to complete and furnish the Governor's new mansion.

S. B. 294. An Act concerning the trial and punishment of persons indicted for a felony or midemeanor.

S. B. 295. An Act concerning the parole by the State Board of Penitentiary Commissioners of convicts confined in the Penitentiary, Houses of Reform and State Reformatory and to provide for the employment, care and supervison of such convicts while on parole.

S. B. 313. An Act changing the name of the Capitol Police to Executive Marshal and prescribing his duties and fixing his compensation.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

H. B. 38. An Act relating to the poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

H. B. 76. An Act to amend an Act entitled, an Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at General Elections, and prescribing penalties for the violation thereof, which act became a law March 5, 1912.

H. B. 77. An Act to amend an Act entitled, an Act for the government of cities of the fourth class in the Commonwealth of Kentucky, which was approved March 19, 1894, and thereafter in due course became a law, and same has since been amended, all of which said Acts and amendments now appear in Article 5 of Chapter 89 of the Kentucky Statutes, John D. Carroll's Edition thereof in 1909, whereby cities of the fourth class may go under the Commission Form of government.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 82. An Act to punish derogatory statements affecting any bank, saving bank or trust company.

H. B. 109. An Act to amend an Act entitled, A Sta' Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contageous diseases, to regulate the prectice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof, which was approved March 22, 1904.

H. B. 189. An Act to repeal an Act entitled, An Act relating to weights, measures and balances, and the appointment of Inspector of Weights and Measures for counties, being Chapter 90, Acts 1912.

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk delivered the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 258. An Act repealing Section 4217, Kentucky Statutes, and amending Section 4224 of the Kentucky Statutes, providing for the license of certain class of temporary or transient merchants doing business in any county in this State, defining the same and the manner of issuing license, regulating the advertising and representation of such merchants and providing penalties for the violation thereof.

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky Institutions of higher learning by the State Board of Education, and to provide for the recognition of certificates from other States by reciprocity.

H. B. 297. An Act to repeal Section 1297 of Kentucky Statutes of 1909, relating to the working of prisoners on public work and roads and to substitute therefor.

H. B. 473. An Act to amend and re-enact Section 3096 of the Kentucky Statutes, relating to the improvement of streets, public ways, grounds and sidewalks in cities of the second class.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 524. An Act to provide for the election of alumni members to the Board of Trustees of the State University, Lexington, Kentucky, and for the appointment of such alumni members on the Executive Committee of the University.

H. B. 552. An Act appropriating money for the proper care of the State Capitol, Capitol Grounds and Governor's Mansion.

H. B. 559. An Act declaring certain public roads public works of the State of Kentucky.

H. B. 583. An Act to provide transportation for County Road Engineers and Committees of the Fiscal Court and making automobile trucks a part of road equipment.

H. B. 597. An Act to further regulate Tobacco Warehouse Companies in the State of Kentucky.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixel his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Radcliffe, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, resolutions of the following titles, viz.:

H. Res. 28. Resolution of the General Assembly urging the members of Congress from Kentucky to use their influence toward having National Government accept property of Lincoln Farm Association.

H. Res. 30. Resolution appropriating $131.83 to be paid to the State Journal Company for printing 5,000 copies of Tax Commission reports.

H. Res. 32. Resolution for the benefit of Judge John T. Hodge, of Newport, Campbell County, Kentucky.

H. Res. 35. Resolution to authorize Thos. C. Holloway, late Major in Kentucky Medical Corps of the Kentucky State Guard, to sue the Commonwealth of Kentucky in the Franklin Circuit Court for the balance due him for services rendered to two members of the militia.

H. Res. 36. Resolution providing for furnishing Kentucky Dicrectories.

H. Res. 38. Resolution appropriating $125.00 for the repair of the monument of General Zachary Taylor, property of the Commonwealth of Kentucky.

H. Res. 39. Resolution authorizing the Auditor of Public Accounts to pay to A. E. Barrett the sum of $253.80 for teaching.

H. Res. 40. Resolution authorizing the acceptance of the offer of the Bronze Memorial Company, of Chicago, Illinois, to make for Kentucky one hundred engraved bronze portraits of our distinguished dead.

Mr. J. C. Duffy moved that the rules be suspended; that S. B. 268 be taken from the table and placed upon its passage.

Said motion was disagreed to.

Mr. Hamilton moved that after all bills had been signed by the Speaker and attested by the Clerk, the Speaker of the House appoint a committee of three to notify the Senate that the House had completed its work, and that said committee, together with a like committee from the Senate, notify the Governor that the General Assembly had completed the business before it.

Said motion was agreed to.

The Speaker appointed Messrs. Hamilton, Smith and Kelly a committee to wait upon the Senate and to inform that body that the House had completed the business of this General Assembly and to ask the appointment of a like committee on the part of the Senate to act with them to wait upon the Governor, and to inform him that the General Assembly had completed the business before it and were now ready to adjourn sine die, and to ask if he had any further communication to make them.

Said committee retired and after a time returned and reported that they had discharged their duty; that the Gov-

ernor had informed them that he had no further communication to make to this General Assembly.

Senators R. H. Scott, John H. Durham and W. B. Moody, Committee from the Senate, notified the House that the Senate had completed its work and was ready to adjourn.

Mr. Elwood Hamilton moved that this House do now adjourn sine die.

Said motion was seconded by Mr. Elmer Brown.

Said motion was agreed to.

And thereupon at 11:50 p. m. the House adjourned sine die.

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